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**\*\*Greeter: Liz Newton**

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**Revised 1/7/05**



## **PUBLIC NOTICE:**

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Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

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**SEE ATTACHED AGENDA**

**A G E N D A**  
**TIGARD CITY COUNCIL MEETING**  
**JANUARY 11, 2005 – 7 PM**

7:00 PM

- **EXECUTIVE SESSION:** The Tigard City Council will go into Executive Session to discuss pending litigation under ORS 192.660(2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. **BUSINESS MEETING**
  - 1.1 Call to Order by Mayor-Elect Dirksen - City Council & Local Contract Review Board
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non-Agenda Items
2. **OATH OF OFFICE CEREMONY**

Terms of Office: Mayor Dirksen - January 1, 2005 to December 31, 2006 and Councilors Harding and Woodruff – January 1, 2005 to December 31, 2008

➤ Municipal Court Judge Michael O'Brien will administer the Oaths of Office to:

  - Mayor Craig Dirksen
  - Councilor Tom Woodruff
  - Councilor Sally Harding
3. **INAUGURAL REMARKS**
  - Councilor Sally Harding
  - Councilor Tom Woodruff
  - Mayor Craig Dirksen
4. **CITIZEN COMMUNICATION (Two Minutes or Less, Please)**
  - Tigard High School Student Envoy Nikki Pham
  - Tigard Area Chamber of Commerce Dan Murphy
  - Follow-up to Previous Citizen Communication

5. **CONSENT AGENDA:** These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
- 5.1 Approve Council Minutes for November 16 and 23, 2004
  - 5.2 Receive and File
    - a. Council Calendar
    - b. Tentative Agenda
  - 5.3 Initiate Vacation Proceedings for Two Separate Public Sewer Easements at SW Frewing Street/Pacific Highway and SW Pfaffle Street/SW79th Avenue – Resolution No. 05-\_\_\_\_ and Resolution No. 05-\_\_\_\_
  - 5.4 Approve Intergovernmental Agreements with the City of Tualatin, Washington County and the Oregon Department of Transportation for Bridgeport Village Development

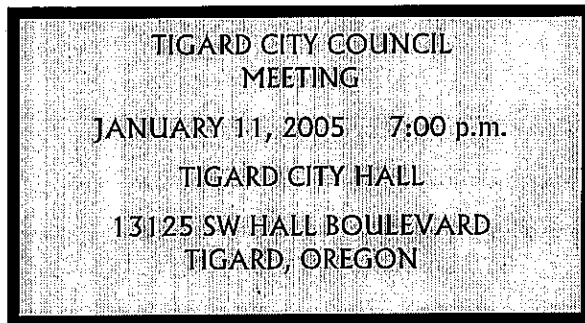
● Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.

6. **RECOGNIZE THE TIGARD YOUTH ADVISORY COUNCIL**
- a. Staff Report: Liz Newton, Assistant to the City Manager
  - b. Council Discussion
  - c. Council Consideration: Resolution No. 05-\_\_\_\_
7. **CONSIDER EXPANSION OF THE COMMITTEE FOR CITIZEN INVOLVEMENT**
- a. Staff Report: Jim Hendryx, Community Development Director
  - b. Council Discussion
  - c. Council Consideration: Resolution No. 05-\_\_\_\_
8. **COUNCIL LIAISON REPORTS**
9. **NON AGENDA ITEMS**
10. **ADJOURNMENT**

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AGENDA ITEM # \_\_\_\_\_  
FOR AGENDA OF January 11, 2005

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Oath of Office – Mayor Craig Dirksen and Councilors Tom Woodruff and Sally Harding

PREPARED BY: Cathy Wheatley DEPT HEAD OK \_\_\_\_\_ CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Municipal Court Judge Michael O'Brien will administer the Oath of Office to Mayor Craig Dirksen and Councilors Tom Woodruff and Sally Harding

STAFF RECOMMENDATION

Administer oath of office to Craig Dirksen, Tom Woodruff, and Sally Harding who were elected by Tigard voters at the November 2, 2004, General Election to serve as the Tigard Mayor until December 31, 2006 and Tigard City Councilors until December 31, 2008.

INFORMATION SUMMARY

On November 2, 2004, the Tigard voters elected Craig Dirksen as Mayor to serve until December 31, 2006, and Tom Woodruff and Sally Harding as Tigard City Councilors to serve until December 31, 2008. Municipal Court Judge Michael O'Brien will administer the oath of office to the Mayor and Councilors in accordance with the Tigard City Charter, Section 30, which states:

Before entering upon the duties of their office, every officer shall take an oath or shall affirm that they will support the constitutions and laws of the United States and of Oregon and faithfully perform the duties of their office.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

N/A

FISCAL NOTES

N/A

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COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
November 16, 2004

Mayor Dirksen called the meeting to order at 6:30 p.m.

Roll Call: Mayor Dirksen, Councilors Moore, Sherwood, Wilson, and Woodruff were present.

1.4 Council Communications & Liaison Reports

1.5 Call to Council and Staff for Non Agenda Items

2. CITY OF TIGARD'S TREE BOARD ANNUAL REPORT – FY 2003-2004

- Staff Report

Staff present included Dennis Koellermeier, Public Works Director, Matt Stine, City Forester, Jim Hendryx, Community Development Director, and Dick Brewersdorff, Current Planning Manager; Tree Board members present included Janet Gillis, Chair; Bob Tinnin, Rob Callen, and Bill Haack.

Mr. Koellermeier presented the staff report including a PowerPoint presentation (Agenda Item #2, Exhibit #1, copy of which is on file with the City Recorder). Mr. Stine reviewed the requirements for cities to qualify for the Tree City USA Growth Award program.

Mr. Hendryx noted community members have indicated their concerns about the Tree Code and Tree Standards, relating to code enforcement as well as development. Staff and the Tree Board have been working together on possible amendments to the code and procedures. Mr. Brewersdorff noted staff concerns about Ballot Measure 37 impacts. He then reviewed the history of Tigard's tree code program since 1992.

Ms. Gillis explained the Tree Board has been working on the Tree Removal portion of the code and still needs to review details relating to mitigation. Some of the details that have been addressed include:

- Creating a credit to developers who retain trees between 6 and 12 inches in diameter, a change from current practice applying to trees 12 inches or larger;
- Fines for tree removal as well as cost to collect the fines;
- In lieu of fees relating to tree mitigation requirements;



- Tree protection measures that would hold developers more accountable if and when tree protection measures are moot or modified with approval by the project arborist and/or the City Forester;
- Encourage creative solutions for builders so they will be able to work within the Code;
- A proposal to create a heritage tree program is currently being reviewed by the Public Works staff; and
- Resolution of Chapter 18 issues has not been reached, but this is scheduled for the Tree Board's December meeting. If approved, the matter will be forwarded to the Public Works Department for their review.

Mr. Tinnin pointed out the Tree Board would like the Planning Commission and Council to be able to review the proposed changes soon, but noted there are some contentious issues yet to be addressed. The Board purposely has tried to reach all sides of these issues before forwarding the issue for hearing. Councilor Woodruff acknowledged the Tree Board's work of trying to weigh in on those issues.

Mr. Callen explained the Board has wrestled with concerns that the code not be punitive, but instead require mitigation measures so there is a positive program.

Councilor Wilson asked if the issue of registered woodlot exceptions were addressed. Mr. Hendryx commented that issue would be on Council's agenda on November 23. A number of wooded lots that are in the deferral program have been recently logged. The intent is the Tree Board recommendations will first be presented to the Planning Commission, and then to Council for ultimate action on the code amendment. The recommendations will be forwarded to the Planning Commission when the Tree Board's work is complete.

Mr. Koellermeier noted the work is also complicated by the impacts of Ballot Measure 37, which staff will continue to sort out. Councilor Wilson urged staff not to allow those issues to deter the process. If property is sold, Ballot Measure 37 does not apply. Mr. Stine noted Julia Hadjuk, Long Range Planner, will be speaking at the Tree Board's December meeting about impacts of Ballot Measure 37 as well as Goal 5.

ITEM NO. 4 WAS TAKEN OUT OF TURN AT THIS TIME.

### 3. PLANNED DEVELOPMENT REVIEW COMMITTEE UPDATE

- Staff Report

Mr. Hendryx explained Council established this committee in January 2004 to review and possibly recommend changes to the Planned Development section of the Community Development Code. Prior to creating this committee, Council heard lots of concerns about the planned development provisions, density issues, and impacts from several controversial projects. He noted Associate Planner Morgan Tracy and Planning Manager Dick Brewersdorff have worked with the Committee.

Mr. Tracy introduced members of the Task Force who were present: Alice Ellis Gaut, Gretchen Buehner, John Frewing, Sue Beilke, and Charles Schwartz.

Mr. Tracy presented an overview of the issues as well as the topics reviewed at each of the Committee meetings. He noted this issue also has impacts from Ballot Measure 37. The Committee discussed whether to stop their review based on the problems created by Ballot Measure 37. The Committee and staff had created a rough draft of a new ordinance and requested input from the Council on the issue of Open Space Preservation:

- There are potential takings claims if not implemented fairly and properly.
- The Committee discussed an open space acquisition bond effort.
- Is open space an issue Council would like standards developed for in the Planned Development process that would be augmented with bond money, or should the City continue to accept open space voluntarily which are usually located in areas reserved for sensitive land resources.
- How is open space acquired or preserved through the planned development process?

Councilor Moore noted each planned development is going to be different and he did not know if new code provisions could be written that will address all circumstances. He asked staff if a proposal was going to be submitted to Council for its review. Mr. Tracy responded that was staff's and the Committee's intent, even though the resolution that created the Committee did not include any direction.

Councilor Wilson responded he was not advocating for any changes. He noted the current Planned Development process is voluntary and most developers would use the easier regular subdivision process. One reason for requesting this review was that neighbors often complained about the densities on adjacent properties were higher than expected. His sister owns property next to a development where the lot sizes were expected to be 6,000 square feet, but the lots ended up being 3,000 square feet, resulting in much higher densities and affected her privacy.

There are concerns that if such a high density is proposed, the development should include a buffer of open space.

Ms. Beilke noted at their last meeting, the Committee discussed how the Planned Development Code could include having an incentive in exchange for smaller lots, allowing a density bonus such as a playground for the development, or including other alternatives in the code.

Ms. Buehner pointed out that developers' use planned developments voluntarily for a variety of reasons: small acreage, difficulties with the location such as steep slopes, private street and right-of-way issues, or sensitive lands. For one reason or another, they are unable to use standard rules for development. The Committee discussed the possibility of coming up with two classifications, one to follow a general rule and the other addressing multi- or mixed use development, or addressing infill problems. Most developments will be small in size where there is not a lot of flexibility for developments.

Councilor Wilson responded he felt the planned developments would generally be used when a developer cannot use standard subdivision guidelines, or wants a different density than allowed under the current zoning. Other developments may not be economically feasible. He asked if these types of tight developments were so controversial to allow the higher density. He noted that one of the last applications he considered as a member of the Planning Commission was the Blue Heron Development, which was denied because the Planning Commission felt the proposed density was too tight. Citizens from all over the City felt that way as well.

Mr. Frewing noted the Committee has discussed the density question and the question of trading lower density in one area for a higher density in another, while still meeting the overall Metro density requirement. It is not known whether Tigard is on track of meeting its density guidelines. Julia Hadjuk has briefed the Council about conducting a buildable lands inventory and densities which are urgently needed to determine whether lower densities could be allowed in some areas. The Committee discussed developments built in the last five years, which he did not feel was very distinctive. They also discussed creating a list of tools or ideas the Planning Commission could consider when planned developments are proposed, to allow some flexibility.

Mr. Tracy noted some basic tools needed to be developed for the Planning Commission when they consider planned developments. Mayor Dirksen asked if that would be allowed under State land use laws.

Mr. Brewersdorff noted any changes would be tested under the stricter Ballot Measure 37 criteria. In addition, Measure 56 requires notification to affected property owners when code changes might change property values, but the City has not budgeted funds to send notices to all affected property owners Citywide. Staff will be faced with some big issues, and will have to look to see what can be done, changing the pre-application process and questioning applicants about their proposal, requiring applicants to provide more information, and challenging applicants to do some other treatment of trees, open space, etc. Staff is not downplaying the significance of Ballot Measure 37 or the costs, and will be sitting down with the City Attorney's staff to work on proposed changes. The staff hopes the Legislature will make some changes to Ballot Measure 37.

Councilor Woodruff noted at the Joint Meeting with the City of Tualatin City Council and the Tigard/Tualatin School District Board, Legislators talked about Ballot Measure 37 and advised local governments to proceed as much as possible without worrying about possible claims under Ballot Measure 37, and not to stop their planning process. The Legislators also noted they did not anticipate making many changes or adjustments to the law.

Councilor Wilson noted there would be essentially a two-year time period for property owners to file claims under Ballot Measure 37, and then he did not believe the City would have to worry about impacts on someone's property rights.

Ms. Ellis Gaut said some developers would say they cannot use the straight subdivision standards and come in with a planned development in order to have higher density. She felt it would be a grave mistake for Tigard, as well as other municipalities, to stop planning for the future because we don't know what the impacts might be. It would be a grave mistake to believe everything that is done will cause property values to be lowered, whereas restrictions might actually enhance value, not just of the bare land, but the value of the buildings that were put on the land.

Mayor Dirksen thanked Ms. Ellis Gaut for making that statement. Every concept mentioned is worthy of consideration. He noted Ms. Beilke mentioned allowing open space in planned developments to be used by residents of that small community; he thought this was one of the original purposes of planned developments in the first place. In addition, Ms. Buehner's proposal of having two different kinds of planned development is worthy of consideration.

Ms. Beilke stated another proposal would be to encourage builders to use more recycled products, and that Portland was a leader in the field of encouraging use of green products in developments. Mayor Dirksen noted builders would need an

incentive to use green products because use of green products would add to the cost of development.

Councilor Wilson pointed out new developments need to be good neighbors and should mitigate impacts on their neighbors.

Ms. Buehner noted the standards are pretty cut and dried; and a carrot rather than a stick approach would be more effective with developers. It would be better if builders would take ideas such as green streets or changing the building pad that would allow effective development, especially on difficult sites, such as on hillsides or next to wetlands. Her interest was also to amend the code to maximize carrots with the minimum amount of damage to the overall livability and not have competing codes, and also allowing the Planning Commission the ability to approve more creative development. The Planning Commission has some flexibility to mandate certain kinds of things. If a developer wants to add density, she asked what the City is getting in exchange.

Ms. Ellis Gaut noted that if a developer is encouraged to build a green development for example, which then becomes a model for other projects, the project becomes great advertising for the developer, enhances their business reputation, but it also involved education and shifting of conscience-ness by the building industry. The City could possibly catch the wave of green development if the City is determined to make that work, and also to present these proposals in terms of developers making a real contribution and significant mark in their industry as well as this community.

Mr. Tracy noted regulations are a good place to start, but there also needs to be community recognition as well as giving the Planning Commission the tools that support allowing those change to occur.

Mr. Brewersdorff asked how this Committee, as well as the Tree Board, could test their ideas before submitting proposed changes at a Planning Commission or Council hearing. There is going to be mixed feedback from the community. Could either of these groups test the proposals out before the issue is scheduled for a public hearing. If the first hearing on the concept were not until it reaches the Planning Commission and there is a huge outcry of objection, the tendency would be to go back to square one. He suggested that staff, Council and each of these boards consider a way to test the provisions before submitting them to the Planning Commission.

Mr. Frewing suggested a survey either on the website or in Cityscape before scheduling a hearing by the Planning Commission.

Mayor Dirksen suggested using a process the Downtown Task Force utilized, and that was the charette process where the group holds a series of neighborhood public meetings, and ask for suggestions from citizens on how they would like this handled. Sometimes it is better to ask for input from impacted citizens or groups about what they don't like rather than pointing out what they do like. Councilor Wilson said it might be easier to get comments from developers rather than from the average neighborhood citizen about development issues. Councilor Moore indicated many citizens would not comment unless a proposed development directly affects them.

Councilor Wilson suggested most citizens do not have any experience with development or care about a development until it occurs on property next to them. He thought the best place to consider this would be at the Planning Commission level, to look at the rules as well as recall what development were controversial in the past, and then apply those cases to hypothetical developments.

Ms. Ellis Gaut suggested following the efforts the Downtown Task Force has done in *Cityscape*, with announcements and putting in a blank box with the words "watch this space" for information about this program, and after adding new information in several issues, you might receive more participation if you pique their interest. Information should also be added periodically to the City's website. She recalled the Breton Woods development proposed in her neighborhood drew a lot of interest from citizens who were not even adjacent to it because they were interested in what was being proposed. That kind of interest could be kindled, especially when they hear about a proposal that will cause traffic patterns to change, or who just watch what is happening.

Mr. Tracy noted staff had prepared a proposed timeline for this project. The Committee and staff will be developing a proposed amendment over the next month or two, and then presenting the recommendation to the Planning Commission. Initially, they had hoped to have something in front of Council in February or March. That timeline will probably be extended, based on the comments made tonight.

#### 4. CITY OF TIGARD/TRIMET MOU PROGRESS REPORT WITH TRI-MET REPRESENTATIVE

Fred Hanson, TriMet General Manager, noted that in the year since he last met with the Tigard City Council, TriMet has launched a new effort to have more meaningful dialogue with municipalities throughout the service area, especially as TriMet redesigns various routes, adds bus stops or installs bus shelters in the affected jurisdictions. Tigard was the first focus area, and there has been a lot of progress during the past

year. The goal of the Five-Year Transit Investment Program is to work closely together with municipalities as well as coordinate between agencies on numerous projects that might impact one another. When cities install sidewalks or TriMet installs bus shelters, there is an impact on the other agency. There is also a concern that service is provided to the unemployed as well as underemployed citizens, so they have easy transportation access throughout the region. Tigard City Council will consider the Memorandum of Understanding (MOU) at an upcoming meeting. The MOU will address a number of mutual concerns of both TriMet and the City of Tigard. Tom Mills of his staff will review the proposed realignment of Line 38 that goes through Tigard.

Mr. Hendryx noted Tigard has had a goal for at least the last nine years of improving transit ridership in Tigard. This commitment is reflected in the MOU, which outlines a number of things. The goal of the Long Range Planning staff will be to implement the MOU. Addressed in the MOU is improved coverage of services, where buses go, transit service and routes, access transit, pedestrian access, shelters, park and ride components, and maximizing ridership. Between the City and TriMet's efforts, the 15-minute corridor will be implemented on Hwy 99, which means there will be a bus running every 15 minutes. The 15-minute corridor is also being considered for Hall Blvd. This MOU represents a substantial commitment by TriMet to Tigard, as well as by Tigard with TriMet, to look at various solutions. The partnership that has been developed through the Capital Improvement Programs will allow sidewalks to be built in many neighborhoods.

Mr. Hendryx noted several accomplishments: The outreach program to serve low income service providers, the commuter rail line continues to move forward, and TriMet's commitment to improve service and install more bus shelters. Planner Duane Roberts has been the City's primary staff person working with TriMet. This afternoon, Mr. Roberts informed him he had just received word from ODOT that funding a sidewalk enhancement program on Hwy. 99W was added to their project list. If approved, \$650,000 will be provided for sidewalk improvements in FY 2006-08. TriMet also worked with the City on the media benches that were located at bus stops with advertising on the benches. The company that owned the benches was in violation of City codes, so the benches were removed. The company has been working with Tigard's Engineering Department to install 19 new transit benches with attached trash receptacles, which they will maintain on a weekly basis. The benches will be placed on Hwy. 99 and 72<sup>nd</sup> Avenue, as well as a few other areas with high ridership.

Tom Mills, TriMet Service Manager, noted he had been meeting with Mr. Roberts and Barbara Shields on a bi-weekly basis. Those meetings have led to stakeholder outreach meetings, including social service agencies, the Chamber of Commerce, Planning Commission, Downtown Task Force, and others. The comments received at

those meetings have been mapped and then presented at an open house a few weeks ago to receive additional comments. He then reviewed the map, which showed existing TriMet service, the 15-minute corridors, and areas where citizens felt there needed to be service. TriMet will take all those comments and run them through their cost/ridership/operational analysis. The analysis involves cost, ridership, relationship between cost and ridership, can it be done, is there a place for buses to turn around and layover, etc.

Mr. Mills noted the proposed areas to serve include:

- Bonita Road and connect to Downtown Tigard.
- Connect the Tualatin Park and Ride and the Bonita area.
- Service the Bull Mountain Road area
- Service to the Barrow road area.

Councilor Sherwood noted she works with low-income residents who are very dependent on bus service to get them to jobs and shopping. Many cannot get jobs if there is no bus service. She is very pleased there is discussion about serving the Bonita Road area as a lot of low-income residents live in that area. She understands there has been a lot of time spent studying the area and finding out where low-income residents reside, so that bus service can possibly be provided to them.

Councilor Wilson stated he felt for a long time that Tigard was underserved by bus service, so he is pleased by the proposal.

Councilor Woodruff stated he was disappointed to hear the commuter rail is being delayed, as well as the amount of time before it is online. He asked if it would be 2007 before the line will be operating.

Mr. Hansen explained that in order for the commuter rail to be constructed, the federal government has to give its approval and appropriate the necessary funds. One thing that is holding up the project is the idea for a commuter rail line to run between two suburban locations, because generally rail lines serve areas between a suburban area and a downtown area. There are questions about the ridership numbers to justify the federal government to pay 50% of the cost. The location of the Cascade Square stop in the Washington Square area is a hard area to serve because there is no easy access to Washington Square. They continue to explore other options for a station as well as a park and ride facility in that location.

Mayor Dirksen stated he looked forward to the opportunity to work with TriMet to improve sidewalk infrastructure as well as accessibility to transit. He requested that TriMet look at serving the Durham Road area, as a line in that area would provide major access to one-quarter of Tigard's area, serve the high school, and provide a link



for those residents to Hwy. 99 and shopping area. He understands the difficulties involved is more than just connecting existing lines, it is a whole new area that is not being served.

Councilor Sherwood noted before Mayor Griffith died a year ago, he had indicated he had dreamed about having a MOU with TriMet to improve service to Tigard.

Mr. Hansen commented the frequent access corridors would mean that the 15-minute service would not just be during peak hours, but also would be running in the evenings and weekends. TriMet has found when there is this kind of service, people use the line all hours of the day and night as well as on weekends. There is a double and triple digit increase in ridership on lines in other areas. There are other areas that are even more challenging than Hwy. 99W, such as McLoughlin Blvd., where it is hard to cross and is not pedestrian friendly. They have found the frequent service has been working well.

Mr. Mills stated he was pleased to hear about ODOT's possible inclusion of funds for the sidewalk improvement program, as it will also help riders who have to walk to bus stops.

Mayor Dirksen thanked Mr. Hansen for his written support of the City's request probably helped as well.

## **5. REPORT AND DISCUSS RESULTS WITH DOWNTOWN TASK FORCE FROM DOWNTOWN IMPROVEMENT PLAN COMMUNITY DIALOGUE EVENTS**

Mr. Hendryx noted after Task Force was formed and the 12 members appointed, it was determined that broader involvement was needed, so membership was increased to 24 members. The committee originally started looking at some key projects for the downtown area, especially in light of the commuter rail line planning that was going on. Tigard received a grant from the State for \$127,000 for one year to produce the plan. Mike Marr will provide an update on the dialogue meetings that have occurred. Barbara Shields had noted the dialogue meetings touched a couple hundred citizens directly. In addition to the people who responded to the survey, this issue has touched between 800 and 1,000 people. The upcoming December 4 workshop is an important step in the process, as it will validate the ideas identified in the numerous dialogue meetings. Beginning in March, there will be another series of dialogue meetings where the public will validate the plan and implementation program. Everyone who participated in the fall dialogue meetings and the survey were invited to the December 4 workshop. Councilors and department heads are requested to be participating in the workshop. The Task Force has met with a wide range of community groups, such as Kiwanis, downtown businesses, etc. Members of

the Long Range Planning staff, Barbara Shields, Beth St. Amand, and other staff members, have been very involved in the project.

Mike Marr introduced the Task Force members who were present: Carolyn Barkely, Judy Munro, Martha Bishop, Janice Arave, Marland Henderson, and Ken Dawson.

Mr. Marr stated the Task Force held over two dozen dialogue meetings with various groups. After making a short presentation about the project, they tried to gather ideas about what people thought the downtown should be like in the near future as well as twenty years from now. What he found to be the most interesting was that for the most part, the same information they received 10 years ago during the visioning process was repeated now. In essence, people want downtown Tigard to become a village, a business center, a community center, be pedestrian friendly, safe, and a destination where they can spend time. The Task Force would like to create a plan to encompass all those concerns, but there will need to be a partnership between both the public and private sectors. Many people compared this to the new Bridgeport Village project, which is actually smaller in area than Tigard's downtown area. Street designs will need to be changed, structures redeveloped, property consolidated for the benefit of a developer who will ultimately be found to develop a larger area, and develop an economic development strategy. The Task Force continues to work with the consultant and resolve some discrepancies that have arisen. One idea the Task Force feels is necessary is to set up a Tigard Development Commission, that would function much like the Portland Development Commission, that would carry out the tasks of economic redevelopment, land consolidation, working with developers, and overseeing projects. The one problem is that Tigard does not have the money or staffing to take on the requirements of a Tigard Development Commission.

Ms. Munro stated she has seen a real ground swell of grass roots support for this project. There is a vision in the community that this will actually be built. She feels that excitement can leverage the excitement when they talk with people about how this can occur. The Task Force has recognized the barricades that are there, but if this is going to be done, now is the time to do it.

Ms. Arave noted a lot of people do not understand what is going on, so there needs to be a way to reach more people.

Mayor Dirksen stated Council would like to hear if the Task Force had developed a communication plan to be used to reach more people. Cities have for a long time recognized the problems with communicating with constituents. When Tigard made the decision to convince voters to pass the bond measure for the library, the process that was followed was probably the most successful program of communicating a task to the citizens. The committee working on the library actually got sick of hearing about it, but the City and library supporters pushed on. Even with all the outreach that was

done, even a week before the election, there were some people who asked "what was this about a new library?"

Ms. Barkley stated she almost holds her clients hostage until they hear her whole spiel about the Downtown Plan. The Task Force has worked closely with TriMet on the downtown commuter rail station, and another meeting is scheduled this week to talk about station amenities and how they propose the station to be set up.

Mr. Marr pointed out the Downtown Brochure that was included in the Council packet. This was professionally designed and published at no cost to the City.

There was discussion about how the brochure could be included in the next *Cityscape* that is scheduled to be delivered by the end of November. This would supplement the article in *Cityscape* about the December 4 Downtown Task Force event in the Library Community Room. It was noted the date in the brochure needed to be corrected.

Councilor Wilson suggested starting a public relations campaign now on a Citywide vote to approve an urban renewal district for the downtown area. He noted the Port of Portland sent out information about the importance of railroads to the region. At some point, the Port will be going to the legislature to ask for public meeting to fund private railroads, so they are starting a public campaign now to get the word out to citizens of the region. He felt information in *Cityscape* was just the beginning point, and should not stop until the time of the vote.

Mr. Monahan stated he would check with staff about inserting the brochure in the December/January issue of *Cityscape*. The Task Force was requested to contact the designer to make the change and for permission to reprint the brochure as an insert in *Cityscape*.

Mr. Marr noted the downtown commuter rail line would not be right on Main Street. In addition, TriMet's funding request is not as much as they had hoped, so many of the design concepts developed a year and half ago were dropped. The Task Force created a subcommittee to meet with TriMet representatives to try to salvage some of the design ideas. Jeff Stagletter from PGE attended a Task Force meeting a couple of months ago to talk about street lighting. The proposal TriMet made for lighting the parking area was not an acceptable design.

Mayor Dirksen stated he talked with Joe Walsh, TriMet's final arbiter of what the station designs are going to be, and will be meeting with him soon. He wants to find out if there is something the City can do to supplement what TriMet is willing to do as well as what kind of money it would take to upgrade the station to what Tigard would like it to be.

Councilor Wilson noted he also talked with Steve Ritter who is working on the actual station design, who then sent him a lot of information about products proposed to be used, but he is limited on products to be used.

Mayor Dirksen explained the commuter rail system is already \$20 million over budget. He did not know how much money it would take the upgrade the station to a design Tigard would support. He first needs to get some solid figures on the possible cost before the City would be able to figure out how to approach this.

Councilor Wilson explained that for parking lots, the higher the pole, the more efficiently the light is spread over the area. For poles 12 to 14 feet high where there are pedestrians, less light is spread through the area so more poles are required for lighting. It is not uncommon for parking lots to have higher poles for that reason. This is what TriMet has done in all the other park and ride lots, to use less poles that are higher. He was not offended to see nice decorative lighting on the platforms, but back off on the higher poles in the parking area.

Mayor Dirksen pointed out the designs the Task Force was presented was a more traditional design for the station, which was basically a round pole with a couple of boxes on top. Mr. Walsh stated the more traditional fixtures tend to be less efficient than the modern fixture, and when the lights are higher in the air, it becomes more difficult to use more traditional looking fixtures. This is something he will be talking more with Mr. Walsh.

Mayor Dirksen noted he is a member of both the Task Force and the City Council. One concern expressed repeatedly by the public is that they want a place or places in the downtown area to be used as a gathering place, a plaza, where people can congregate. This is a perfect opportunity to include this into the plan for the Downtown area. Another concern is the need to include private development into the Downtown Plan. He feels there needs to be projects identified and the City take on the task of a couple of public projects, while also encouraging private redevelopment. There may also need to be public/private partnerships on some projects. He stated he was bringing this up now because the City is going to be called upon to make that financial investment.

Councilor Sherwood stated she feels this has Council's support, but there needs to be a plan before money can be allocated for such a project. Councilor Moore stated Council learned from the past that there has to be something physical to look at in order to share with the public and draw support.

Councilor Woodruff noted there is growing enthusiasm that something is going to happen in the downtown area, and that citizens are looking for substantial change, not

just tweaking or making a cosmetic change, but something really different from what it is now. Other communities have some great examples they have accomplished. He feels there is a lot of support by the public.

Mr. Marr stated when he looked at the City budget as he was preparing for this meeting, he wondered where are the dollars to do this without forming an urban renewal district.

Mayor Dirksen noted if someone knew a better way than an urban renewal district, he hoped they would have spoken up already. That has not been the case, so he felt the urban renewal district would be the best option.

Ms. Barkley stated one problem with the urban renewal district is that it will require a Citywide vote to approve an urban renewal district, which is why the City has not already proposed one.

Councilor Wilson stated he didn't know anyone who would oppose it, but the problem is people would vote no because they would think if the district was formed, it would increase their taxes. Councilor Moore stated that was happened the last time it was proposed. Ms. Barkley noted it would be difficult to educate the citizens any differently. Councilor Wilson suggested starting now, but there needs to be a plan ready to unveil when the discussion starts.

Mr. Marr noted citizens are interested in the Downtown Plan, and it will be hard to maintain that interest for two, three, or four years before the City decides it has enough money to do a major project.

Mayor Dirksen noted that until the plan is in place, the City cannot commit to anything that might be contrary to the overall plan. He hoped that once the plan is completed and unveiled, the City would be able to really move on it.

Mr. Marr stated he was loosing confidence the consultants will have a preliminary plan by February. He hoped money for a couple of items could be plugged into the CIP list even if the project is not fully identified. The Task Force has asked the consultant, but he did not feel they are moving along fast enough to be able to identify a specific project.

Mr. Monahan asked what kind of money might be needed. If the Task Force is talking about including projects in the capital improvement program, it might be possible to plug some money in the upcoming CIP program. It would need to be discussed with City Engineer Gus Duenas so the proposal could be included in the CIP process that will have public review next spring. It may be difficult to include any this coming year given there is no plan yet. He noted the major sources of revenue for

the downtown area might be tax increment financing, as well as a percentage set aside from capital improvement projects.

Ms. Barkley asked when Burnham Street is scheduled to be improved. Mr. Monahan explained it is not scheduled until 2007-08, but if there is a lot of support, it might be able to be moved up in the CIP. That project had been identified as part of a larger program.

Mayor Dirksen noted the Downtown Plan identified a short list of projects, which included the Ash Street connection from Burnham to the railroad right of way.

Mr. Marr asked if the City could begin discussions with ODOT and the railroad about obtaining right-of-way for the crossing of Ash Street over the railroad tracks. He has been told this might be on hold because of discussion about the Wall Street project. He felt the Ash Street crossing is a critical piece for the downtown area.

Mayor Dirksen noted that required a formal application process, which would take several years to prepare.

Mr. Monahan explained when the City talked to ODOT about the Wall Street project, the City was informed they needed a complete design of the entire Wall Street facility before they would even consider the request. The design is finally to a point where ODOT agreed to begin some meetings to discuss the proposed project. Last summer during the budget session, there was concern expressed about the Ash Street connection, and whether it was included in the Transportation System Plan. He asked if there has been enough discussion so that will not be an issue if it was placed on the CIP project list.

Mr. Marr noted the Ash Street Corridor would run from Burnham to Scoffins, with a long-term plan to connect Ash Street to tie into Hunziker. He noted this corridor would provide the circulation the downtown area is lacking. He noted when this proposal was discussed, there were some negative comments presented, especially by the residents who would be directly affected. However, most of the community sees the Ash Street corridor as being reasonable.

Mr. Monahan noted Ms. Barkley had indicated the rest of the community might not be aware of what is proposed for the downtown area. ODOT may indicate the only way this would be feasible is if Ash were to connect with Walnut. It will be interesting to find out if ODOT supports the signalization of Hall and Wall.

Mr. Marr stated he felt the entire Ash Street issue needs to be addressed as part of the downtown village concept.

Ms. Barkley stated she has talked a number of times to Angelo of Angelo's Catering as well as Carl and Forest Johnson, and others who might be impacted. They are concerned about relocating. Angelo just put a lot of money renovating his building. There have been concerns expressed about how they might be impacted as a result of passage of Ballot Measure 37.

Mr. Henderson noted the consultants presented a market analysis about this area, which he suggested the Councilors also review. The last market analysis was completed 15 years ago, and he thought the new material contained a lot of good information. He noted the December 4 meeting would be a great opportunity to provide a lot of information to the public about the Downtown Plan and what the Task Force has been involved with. The consultant is working on the feasibility information as well as financial information. The Task Force has been requested to begin putting projects together even before there is a plan ready to be submitted. He felt the December 4 meeting would be a real eye opener to the public.

Mayor Dirksen noted the press release about the December 4 meeting was issued today. It was noted the Chamber of Commerce would also send information about this meeting to their members, especially business owners.

Mr. Monahan asked if Mike Stephenson could make the change to the brochure that was discussed earlier and get permission to reprint the brochure in the *Cityscape*. Ms. Arave stated they would try.

Councilor Woodruff noted there has not been much discussion about what will happen if the urban renewal project is not approved. The small amount of money set aside for Wall Street is not as important as doing something in the downtown area. He asked if funds for Wall Street could be used in the downtown area. Mr. Monahan explained funds for the Wall Street project was included as part of the library levy, and those funds cannot be reallocated to some other project.

Mr. Marr stated it was frustrating to see \$500,000 sitting there in the budget for the Wall Street/Hall Blvd. intersection and signal, when there are a number of projects in the downtown area that would cost \$15,000 to \$20,000 each.

Mr. Monahan responded the City is following the directions of the voters relating to the library levy. The City had a very successful campaign to receive approval to build the library. The whole idea for the Library Levy was that the money for the library and other improvements would be done in accordance with what was proposed in the ballot measure, and the community would see the results and give authority for something else in the future.

Councilor Sherwood asked if it would be possible to combine the tax increment financing and this project at the same election, or would it have to be on different election dates. Mr. Monahan replied he thought both issues could be placed on the same ballot, and possibly even the same measure. That is something staff will have to investigate.

Mr. Hendryx noted the Task Force has done an excellent job and recognized the number of meetings that has been held to reach this point. There were numerous dialogue meetings with many groups to get their input. The December meeting is a critical point in this discussion and noted the momentum that has been building in the community. The dialogue meetings to be held in the spring are also critical, and hoped the momentum will continue into next summer at which time it is hoped an urban renewal district could be approved. This will take a concerted effort by the Task Force, the City staff and Council to achieve that.

Councilor Sherwood noted she attended a Washington County meeting about a proposed Hwy. 217 corridor project, and asked if there was a way the City's project could connect to that effort.

Mr. Hendryx explained Washington County is looking at forming an urban renewal district, which would run from Hwy. 26 (Sunset Highway) to Tigard. He noted there would need to be a vote by Tigard residents to be included in Washington County's urban renewal district as required by City Charter. Council will eventually have to agree whether the portion of that project located in the City will be included with the rest of the Washington County project. Washington County is currently conducting a feasibility study, which will be discussed at their Policy Task Force next Monday. He noted it might be financially advantageous for Tigard to combine with Washington County's effort, as it would lower the administrative costs to be part of their program.

Councilor Wilson noted he had talked with County Chair Tom Brian yesterday, who indicated there might be an opportunity to obtain federal funds for their project. Mr. Brian was proposing that it would be a good idea for Tigard to join the rest of the project, not that they were trying to take over Tigard's project, but where they could help Tigard. He explained any urban renewal district for Tigard would require approval by Tigard voters. Mr. Brian indicated he was aware of that, and Washington County's County Counsel is looking into that issue.

Mr. Henderson stated he had also heard Mr. Brian's proposal. As Mr. Brian explained it to him, Tigard would benefit a lot from being part of the Washington County program as Tigard is one of the most depressed areas of Washington County. The whole urban renewal district from Hwy. 26 to Tigard would benefit from the consolidated project.



Mr. Marr stated he felt the County's plan could be part of Tigard's funding scenario.

Councilor Wilson noted the only vote that would be required would be for Tigard to approve being included in the County's urban renewal agency, as required by Tigard's charter. The rest of the project did not require any vote by Beaverton or Washington County. By being included with the County plan, Tigard would receive federal money, money from the County, and potentially funds from other jurisdictions as part of the larger urban renewal district.

Mr. Monahan stated that if Tigard chose to do any urban renewal district by itself, it would be a hard sell. If Tigard's project is consolidated with Washington County, the resulting urban renewal area is larger. He thought two plans would have to be sent to Tigard voters: the boundaries of the Downtown Plan, and the area outside the downtown area, which would be part of the corridor plan.

Councilor Moore stated he feels the cart has been placed before the horse. There needs to be a plan to be shared with the voters, but now funding issues are being discussed. It seems the discussion is hopping all over the place. He believes that once the plan is complete, funding will follow. He has been on the Council for nine years, and if not careful, it will be another nine years before anything is done. However, this is headed in the right direction.

Ms. Barkley explained her concern was this Committee was working very hard on a plan for downtown, and if Washington County proposes an urban renewal district at the same time and she is concerned what the impacts might be on the City's Downtown Plan. She would not want to see the City's Downtown Plans aborted because Washington County was proposing its corridor plan.

Councilor Moore stated the Downtown Plan is what the City has control over. He does not know anything about Washington County's proposal.

Councilor Woodruff commented the City is committed that these efforts not fall apart.

Councilor Moore stated this would involve public relations and public information/education of the public about the plan and then the financing plan.

## 6. SKATE PARK UPDATE

Mr. Koellermeier noted members of the Skate Park Task Force and one member of the Parks & Recreation Advisory Board were present tonight. He explained this is an update of where the skate park is, and the Task Force has looked at some of the

physical issues of siting as well as funding issues. The following are issues to update the Council on the status of the skate park:

Site - Mr. Koellermeier noted Council had authorized the Task Force to move ahead with the concept of building a skate park in the City Hall parking lot. The Task Force has worked with staff, consultant and a skate park builder on a plan. One issue that was faced was the impact of the skate park on parking needs at City Hall. City's codes and rules were reviewed and a very unscientific study of impact conducted by roping off the area that would be used by the skate park. The results from the unscientific study probably provided more information than any scientific study that could have been conducted. There has been a compromise agreed to by the Skate Park Task Force and staff to reduce the size of the skate park to 15,000 square feet, rectangular in shape, which will preserve more parking area. The Task Force members will probably indicate their concerns that this is too small a facility. The initial proposed skate park was going to be 25,000 square feet. The proposal that has been agreed upon is to build the first 15,000 square feet in such a way that the next component can be tied in with the first area sometime in the future.

Community Support - The Skate Park issue was addressed in two recent surveys - the Parks and Recreation Survey and the Vision Survey. Both included results about the level of community support for this facility. In the Parks & Recreation Survey, 43% of the people favored a skate park using City funds, while 49% were opposed to the use of City funds. There were four statements in the Visioning Survey that directly supported the skate park out of 409 surveys returned.

Fund Raising - The Task Force has raised approximately \$10,000 right now. The Task Force met with a skate park builder, Dreamland, who is recognized as the premier skate park builder in the local area. Dreamland provided information about what a skate park of this size would cost, which was \$529,000. Another proposal received indicated the cost between \$400,000 and \$500,000. The staff and Task Force, for planning purposes, felt the use of the higher number of \$529,000 would be safer in the long run to shoot for.

Funding - The Task Force and staff are aware Council's previous position was not committing any public funding to construction of this facility. The Task Force has looked at many combinations and sources, including private funding, forming a 501(3)(c) organization, private grants, donation, public grant opportunities, and a combination of all of those. The conclusion was that a combination of sources would be the solution to get the skate park built at this time.

This all boils down to a policy question for Council. The Task Force and staff has worked very hard and came to a consensus position that if this is to be built in the foreseeable future, it would be necessary to ask Council to endorse application for a

public grant and approving the local match that most grants require. Fundraising will still continue. Several people feel that the skate park should be included in the community park section of the SDC. Others feel that skate parks should not be eligible for SDC funds.

Conclusion – This boils down to a policy call by Council. The course of action staff recommends in order to keep this program going and moving toward building a skate park in the foreseeable future is to:

- 1) Agree to reduce the size of the skate park to 15,000 square feet at this time with the design to accommodate future expansion into the area of the Niche facility.
- 2) Continue to move ahead with public funding. Staff believes the use of SDC dollars would be the way to go and in order to do that, Council would need to designate skate parks to be a community park in the new SDC methodology and policy which Council will be considering next week. If Council approves that designation of skate parks being a community park, then staff could include funding for the skate park in the next budget cycle.
- 3) Authorize staff to apply for public grant. Staff received updated information today that the application would be due next month. However, Park Manager Dan Plaza found that the grant with the December deadline has a lower threshold of grant awards, while the April cycle grants are higher of \$150,000. Staff would recommend holding off submitting a grant request until the April cycle.

Mr. Plaza noted the grants staff was considering are quite competitive. In the past, the local government grant the City would be applying for generally approves at least one or two grants for skate parks.

Mr. Koellermeier explained the other piece of the puzzle is the balance of approximately \$105,000, which would be the fund raising obligation of the Task Force. He noted another concern since the last time Council talked about this is whether Council wants to commit staff time toward fund raising activities.

Councilor Sherwood noted Tualatin's skate park fund raising effort was successful because their mayor and council were very supportive and involved in the fund raising effort.

Mr. Koellermeier introduced the Task Force members who were present: Pat Biggs, Mary Van Domelin, Connie Ramekers, Barry Albertson, Rich Carlson, and Sally Harding.

Mr. Monahan noted that Tualatin's Skate Park was mentioned. At last night's Joint meeting with the City of Tualatin and the Tigard/Tualatin School District Board, Tualatin explained their fund raising program for their skate park. Mr. Koellermeier alluded to the availability of Park SDC's for skate parks. Tualatin did not use their Park SDCs for their skate park, as it was not included in uses eligible for Park SDC funds. That was the reason Mr. Koellermeier suggested that Tigard add skate parks to the list of community parks so it would be being eligible for using Park SDC funds. He distributed an e-mail message from Paul Hennon, which described the City of Tualatin's fund raising program. (Agenda Item No. 6, Exhibit #1).

Mr. Koellermeier noted Council will be considering a revised Park SDC methodology and rates next week and in December, which will raise Parks SDC more than 100% on new construction. There will be more funds available for this type of expenditure.

Mr. Carlson stated there is no question the Task Force has been high-centered for a period of time. The experience of other cities is interesting. Tualatin's skate park is 10,000 square feet, and Newburg's is the granddaddy of them all with 30,000 square feet. Both Tualatin and Newburg have indicated that if they had it to do over, they would have made their skate parks bigger. Tigard's park of 15,000 square feet is going to be bigger than Tualatin's and will receive more usage than Tualatin's. At some point, Tigard is going to say the skate park should have been larger. At this point, all that can be afforded is 15,000 square feet. That is a good compromise, and helps get this project off dead center.

Mr. Carlson noted that there is community support. He was surprised when he read the survey question, "If an election were held today, would you favor or oppose a \$400,000 bond measure to construct a skate park?" He did not feel people were asked if they supported the use of City funds, but instead if they would approve a special bond measure for a skate park. He noted that 43% of the responders said "yes," which he feels represents a lot of community support. Less than 25% of the City's residents have kids in school, but 43% of the population said they were willing to pay extra out of their pocket for a skate park. He went through Dan Plaza's press clipping file and found that three years ago, November 2001, the first meeting was held concerning the possibility of building a skate park, and there was a lot of people who attended that meeting. He believes the goal was that it was important to have a skate park in Tigard, which is how this Task Force was created.

Mr. Carlson noted skateboard and in-line skating is the fastest growing sport in the country. In Oregon, over 60 parks have been built, many in cities and towns much smaller than Tigard. The City of Portland is planning to build 20 skate parks in the next few years.

Mr. Carlson noted it took 1-1/2 years before the City Council got to the point of agreeing the skate park could be built in the City Hall parking lot. The Task Force looked at many other locations, including schools and parks, but all were controversial. There has been a lot of enthusiasm, and some of the initial supporters have dropped out, to be replaced by others. Originally, he thought the fund raising was going to be a lot easier to do, but they have found there are not many people willing to really put the time needed into this project. This group of busy volunteers is all willing to take the time to do this. He discussed the possibility to moving forward with a bond measure next May. He believes the fundraising can be done and the skate park constructed.

Ms. Biggs stated the group lost one of their biggest fundraisers, when Al Heib died a little over a month ago. Mr. Heib had contacts in the business community, so this group needs to work on contacting the business community. She noted Newburg's skate park is used 24 hours a day, seven days a week, and it is not just a kid's sport any more. The reason each one of the Task Force members are here is because they support kids. She served on the school board for many years after her youngest child graduated from high school. She then described the cost it takes to build and maintain football fields, tracks, soccer fields, gymnasiums for basketball and volleyball, as well as the costs for band and choir. All these programs have the physical plant, as well as coaches, uniforms, maintenance of facilities, which are on an ongoing basis. A skate park does not require coaches, uniforms, or much maintenance. Basically it is a one-time cost of approximately \$500,000 to build the skate park. She talked about the fund raising efforts for the swimming pool, the soccer fields, track, stadiums, and other athletic complexes.

Councilor Moore stated he believed the Council felt the skate park is a worthwhile project. The City Council approved the use of the parking lot for a skate park. The bottom line is, does the City have \$150,000 to contribute to the construction of the skate park.

Councilor Woodruff asked the Task Force members how practical it would be to raise \$105,000 when it has taken three years to raise \$10,000. Ms. Van Domelin stated the Task Force will be more aggressive at fund raising, but for some time they were not sure they had a site, what it would cost, and the Task Force needed a lot more information before they felt it was feasible to do a lot of fund raising.

Councilor Moore stated he would like to see how much support there actually is from the community. He is concerned about applying for a grant, the City providing matching funds, earmarking Park SDC funds for the project, and then finding out the fund raising effort is lacking, so the City is asked to step in with more money so the project can be built. He was looking to see if there was really overwhelming community support and funds coming in to indicate community support.

Councilor Sherwood asked if the City commits the funds, would it be easier to raise the funds. Would it be easier to raise the \$105,000 first and then come to the Council. Ms. Van Domelin responded there would be community support if the City Council were first really behind this project.

Councilor Wilson asked if the grant staff would be applying for requires a matching grant. Mr. Koellmermeier stated the grant requires a local match. They plan to submit a grant in the April cycle. Traditionally in the past, when grants have been applied for, the City has to specifically state it has approved funding the matching funds.

Mr. Monahan noted the money the City received for Cook Park was from Lottery Funds from the State Parks and Recreation Department. The reason the City successfully received that \$250,000 was because it was shown there was a partnership with the community, including the soccer and baseball leagues. When the City made their presentation, representatives from the various leagues and community groups went with the City representatives. The reason he brings this up is the granting agency needs to know there is a fund raising effort going on and that the City has made a commitment of funds should the state funding be approved. All these components are necessary as part of the grant application.

Mr. Albertson noted there are private foundations that other groups can apply to which the City is not eligible as it is a taxing authority. Grants to the private foundations need to know if the City supports the project and they want to see that support up front. Support has to be stated up front, not after the fact, because the foundations want to see if there is real community support besides the fund raising effort.

Mr. Albertson asked what kind of funds could be expected from Park SDCs for the skate park. Last night, Chris Bergstrom noted that when the City of Tualatin was raising funds for their skate park, while it was a grass roots effort, it included a lot of support from the Mayor and City Council. It was noted this was a very important part of the community's support.

Councilor Woodruff stated some citizens might be concerned with spending \$500,000 for what they see as a slab of concrete. The Task Force members are the ones who have done the research and understand what is reasonable and what it costs. That information needs to be shared with the community. He noted the Vision Survey asked responders to rate projects they would be willing to spend public money on, and skate parks were at the very bottom of the list. This is a big concern because so many people did not feel public money should be spent on a skate park. At this time, he would be hard pressed to commit public money to a skate park, especially if the fund raising effort does not work out.

Mr. Albertson stated this is where leadership comes in and felt the City Council should say the public was wrong and this is where money needs to be spent.

Ms. Van Domelin stated she has attended meetings with Rob Bojanick and Mary Rose Navarro of the City of Portland Parks and Recreation Department who work almost full time on skate parks. In their view, skate parks have a negative stigma attached to the sport, so they began an education campaign to change a negative attitude to a positive one. One program they have is posters in the elevators at the Portland Building promoting skate parks. This was one thing she hoped to gain tonight is for the Councilors to become proponents of this skate park and to indicate this will be a positive amenity for the City.

Councilor Wilson stated he is a landscape architect and has designed several skate parks. He noted that for a tiny neighborhood park with a play structure, the cost is \$70,000, which is built all the time. He recently designed two skate parks, one in Hillsboro and the other in Forest Grove. They day the Hillsboro Skate Park opened, there were 200 kids there. Some kids ride the bus from Tigard and Beaverton so they could use that skate park. The reason skate parks are so expensive is they are thick concrete at 4000 psi, are loaded with steel, and the finishing has to be perfect or they are not skate-able. The two skate parks he was involved with have heavy usage. Compared to a tennis court where only two or four people can play at a time, which costs \$50,000, a skate park is about 10 times the size of a tennis court but used by 200 people at a time. This is a perception issue. Mayor Jim Griffith was a staunch supporter of the skate park. He came on Council in the middle of the discussion and has been surprised the City would not spend a dime on it. One question he has, if the City Council agrees to put \$100,000 or \$150,000 into this, what projects would be displaced.

Mr. Koellermeier responded the City is committed to programming and planning, and the emphasis has been on trails. Regarding the list of parks that are identified, the General Fund portion for Northview Park Development is \$90,000 and \$30,000 for Jack Park but they do not qualify for SDC's funds. The same applies to the next four park projects. He did not believe any existing project would be displaced if Council decided to use Park SDC funds for the skate park.

Mr. Plaza concurred he also did not see any projects being displaced on the Parks SDC list should the skate park be added to the list. He noted Council will hold a hearing November 23 on the Park SDC methodology and rates and if adopted, the rates would go into effect January 1, 2005. There will be between \$400,000 and \$1 million in SDC fees collected annually. He had confirmed these figures with the consultant to be sure.

Mr. Koellermeier stated the real issue that will slow development on other projects such as the six park projects he mentioned is the funding that is not SDC eligible.

Mr. Plaza said there are \$250,000 in projects that are SDC eligible but do not have the funds for the other portion. The other portion needs to be from a variety of funds such as general fund or grants, or a possible bond measure. Jack Park project needs \$30,000 and Northview Park needs \$90,000 from other sources, and those funds are just not available.

Mr. Koellermeier stated the question he needed Council's direction on is, *Does the Council want to use their grant application authority to apply for a grant to be used for the skate park, and what projects might lose their non-SDC component be offset if the grant for the skate park is successful?* If the City were successful in a grant for \$150,000 for the skate park, what happens if the well runs dry for other projects. Tigard has been very lucky in being awarded grants, but we probably will not get more than one or two a year, so is the skate park a high priority?

Mr. Monahan stated he recalled when the City was looking at state funds from the Trust for Public Lands, the Council decided it could submit the application but Council had a certain amount of time to decide whether to accept the funding. Theoretically if we knew what date that was, perhaps waiting to see if the grant applications were successful that Mr. Albertson was applying for, as well as fund raising efforts, before the City had to commit its funds.

Mr. Plaza indicated that if Mr. Albertson was successful in getting private foundation money, there is a chance the grants might be significant enough that less SDC money would be required. In addition, if the fund raising were successful, it would mean less than \$150,000 would be needed from the City.

Ms. Biggs asked if the skate park (15,000 square feet) was going to be built with the design intent built in that it could be enlarged to 25,000 square feet. Mr. Koellermeier stated he could not say at this time.

Councilor Moore noted the City Hall Parking lot is worth a certain amount of money and asked if that fact will be noted in the grant application, so the granting agency knows the City does not have to go out to buy property for the skate park, that the site is already available.

Mr. Monahan replied that is a beneficial component, but that cannot be used as the City's match. Councilor Moore stated it showed the City's support though.



Mr. Albertson noted that when the grant application is prepared, that information is included in the application. That information would particularly be favorable to private foundations, because the land does have value.

Councilor Woodruff asked if the school district would be allocating any funds for the skate park. Mr. Albertson indicated the School District has not been asked to allocate any funds. Mr. Carlson stated the School District donated \$5,000 to the Tualatin Skate Park.

Councilor Sherwood asked what Council needs to do tonight. Mr. Koellermeier stated he needed to know from Council if the staff is authorized to apply for this grant.

Ms. Harding stated the City uses SDC's for trails, and some program is needed to support kids. She noted she grew up in Tigard when there was not much development and there were places for kids to go to hang out. Kids do not have that today. Her son went to live with his dad in Tualatin when Tigard officials told her she could not have a basketball hoop on the street. When her son lived in Tualatin, he was constantly over at their skate park. As Councilor Elect, she attended the recent League of Oregon Cities meeting. She heard a lot of people talking about other cities building who have and are building skate parks, so she asked how they did it. The number one answer she was given was that the project needed the Mayor and Council's support.

Councilor Woodruff noted that no real decision is needed tonight, but staff needed to know whether there would be strong Council support for funding the local match.

Mr. Monahan noted this will be helpful, especially because the Park SDC methodology will be the subject of a public hearing next week, and staff needs to know if a skate park would be an allowable expenditure of SDCs.

Councilor Woodruff stated he felt Council was in support of that, but he did not want fund raising to stop just because the City would allow expenditures from Parks SDC's on skate parks.

Mr. Monahan noted from the conversation, he feels

- staff can return next week and make skate parks an allowable expenditure of Park SDC's,
- that Council is supportive of applying for a grant for the skate park construction;
- that Council will need to approve a letter of support at the time the grant application is to be filed that it commits funds for the skate park.

Ms. Ramekers stated she works with many kids at her job at the school district, and many get stereotyped. The majority of kids is great and need something to do. The skate park will be used a lot. She noted the upcoming pop can/bottle drive in December.

Ms. Harding stated that if you look at the City Newsletter, *Cityscape*, the number of times the library had full court press, and more than just the front page. The skate park has only had a paragraph here and there, generally on page 5 or 6. She asked that *Cityscape* be used to provide an educational piece about the skate park.

Mr. Carlson urged a representative from the City Council attend the Task Force meetings. Mr. Plaza used to attend, but there has not been any City representation for some time. Their meetings are held on Monday nights because it was felt this might be one night Councilors would be able to attend.

Councilor Elect Harding indicated she would like to serve as liaison to the Skate Park Task Force.

## 7. COUNCIL GOAL SETTING DISCUSSION

Mr. Monahan noted that Council goal setting is generally held in January. The first meeting in January is on the 11<sup>th</sup>, and goal setting is held after that. He had two proposed dates: January 17, which is Martin Luther King, Jr.'s birthday, is a City holiday, so City facilities would be available. January 18 would be the normal Council workshop, but Council could begin meeting at noon, break for dinner and continue into the evening if necessary. Council could also consider a weekend activity.

Councilor Sherwood asked if the meeting could be held out of town.

Mr. Monahan stated it could but would involve more details and a lot more expense, as well as running into problems with the public. During the past few years, Council has had very productive half-day sessions where members of the public have also participated. The City has received positive feedback from the public saying that it is great seeing the Council work on issues like it did, because this does not happen in other meetings.

Councilor Woodruff stated he supports the half-day on January 18 beginning at noon and going into the evening if necessary. Other Councilors indicated they concurred.

Mayor Dirksen asked Councilors to check their calendars and to let him know if they are not available on January 18.

## 8. COUNCIL LIAISON REPORTS

Councilor Moore stated since he has 1-1/2 months left on Council, he was concerned about the liaison to the four water related boards he serves on, including the Willamette River Water Consortium, Regional Water Provider Consortium, Intergovernmental Water Board and the AWC. He does not participate on the Portland water negotiations as that is strictly on staff level. Some of those meetings are held quarterly, monthly, bi-monthly, or as needed.

Mr. Monahan said he would provide Council with the most current liaison assignment list. In addition, he had asked staff to write up information about each assignment, indicating what each are all about, the time commitment required, where meetings take place, but have not received that information from staff yet. His intention was to bring that information to the January goal setting session.

Councilor Moore stated it might not be necessary to appoint anyone for the next 1-1/2 months. When he took over these assignments, he spent between 1 and 1-1/2 hours talking with staff about each organization. Maybe that would be all that would be required. Mr. Koellermeier has been great to keep him up to date about the water issues.

Mr. Monahan stated he could ask Mr. Koellermeier to prepare the descriptions of those four assignments. Anyone who takes these four assignments probably should not take on too many other tasks, because the days and times of meetings vary, and will almost prohibit anyone from taking on many other assignments.

Councilor Moore stated there would be a lot of involvement on the Joint Water Commission after the first of the year as they begin a public participation outreach program. Another matter he has been involved with is the Visioning Task Force for Transportation, which Gus Duenas supports.

## 9. NON-AGENDA ITEMS - None

## 10. ADJOURNMENT

Upon motion of Councilor Woodruff, seconded by Councilor Sherwood, and unanimously carried, to adjourn the meeting at 10:11 p.m.

Jane McGarvin, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date:

COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
November 23, 2004

The meeting was called to order at 6:30 p.m. by Mayor Dirksen.

Council Present: Mayor Dirksen, Councilors Moore, Sherwood, Wilson (arrived at 6:33 p.m.), Woodruff

- STUDY SESSION

- > DISCUSS COUNCIL LAPTOPS/ISSUES

Mr. Monahan asked if Councilors had any problems with their laptop computers, they should let staff know so that IT staff could take the computers after the December 14 meeting until the January 11 Council meeting to make any needed upgrades.

- > CITIZEN COMMUNICATION FOLLOW-UP – Mr. Monahan reported on the following items that had been brought up during Citizen Communication:

- Status of Fred Fields' access across City land
- Bull Mountain Annexation – Mr. Monahan noted there was comments from Mr. Frewing about the City not dropping the Bull Mountain annexation, and did not feel he needed to comment on that, as he was asking Council to keep this in mind.
- Gretchen Buehner, Regarding Late Delivery of *Cityscape* - Mr. Monahan noted staff had commented about that last week.
- Lisa Hamilton-Treick comments about the Fifth Tuesday, open to public with Tigard related issues – Mr. Monahan stated there had been comment about whether non-city residents could speak. The concern was the focus of discussion should be on city business. The Council was not concerned about just talking about Bull Mountain as an example.

Mr. Moore stated he did not want to hear about things the City has no control over. Mayor Dirksen suggested if people begin to talk about those issues, we say the appropriate venue for that would be the Washington County Commission Chamber in Hillsboro.

- Mayor Dirksen stated he was interested in the issue about the light and crosswalk at the Library. There have been several letters to the editor in the

*Tigard Times*. This did not come up as part of Citizen Communication. He asked if this had been covered in *Cityscape* yet.

Mr. Monahan noted the Executive Staff did talk about the location not being at Omara, but at the north side of Wall Street.

\*Councilor Wilson arrived at 6:33 p.m.

- > CITY HALL CLOSED ON THURSDAY & FRIDAY
- > LIBRARY IS OPEN FRIDAY AND SATURDAY
- > NO NEWSLETTER THIS WEEK
- > SCHOOL SUPERINTENDENT RECRUITMENT PROCESS – Meet December 14 @ 6 OR 6:30 PM?

Mr. Monahan noted he was just asked this question. The existing school superintendent, Steve Lauer, will be moving back to California next spring. The School District is hiring a consultant to assist the Board to select a new superintendent. The question is whether the City Council as a group, or just a couple of members, would want to meet with the consultant to identify community issues the School District is faced with, what qualities are needed in a superintendent, and what are the challenges ahead. He suggested to Susan Stark-Hayden the consultant could meet with Council on December 14 at either 6 or 6:30 p.m. to receive Council's input. She had indicated this time fits into the consultant's schedule.

Council concurred to schedule the consultant at 6 p.m. for half an hour on December 14.

- > COUNCIL SCHEDULE FOR DECEMBER 2004 – Meetings on December 21 and 28 - Mr. Monahan stated he had asked Washington County Administrator whether the County Commissioners could meet with the Tigard Council on December 20, but he has not yet received a response back. December 20 has tentatively been scheduled for that meeting, pending confirmation with Washington County Administrator. The purpose of that meeting would be to discuss post annexation issues. Washington County Commissioners just held their strategic planning session and he felt it was important to hear their point of view before Council goes into its goal setting in January.

The Council concurred to eliminate the meeting on December 21 if the meeting on December 20 takes place, and also to cancel the regular business meeting on December 28, unless something very pressing comes up.

> RICHARD FRANZKE LETTER RE: BULL MOUNTAIN

Mr. Monahan briefly reviewed the contents of Mr. Franzke's letter in which Mr. Franzke offers to continue the discussion of annexation with Mayor Dirksen. The specific concerns Mr. Franzke has is to reduce the current zoning density and provide parks and open space. He suggested staff draft a letter for the Mayor's signature.

Councilor Woodruff stated the dialogue should continue. The Council is not cutting them off, but the ball is in the Bull Mountain community's court to come back at some point and tell us what they think will work relating to annexation.

Councilor Sherwood stated because the Bull Mountain area residents overwhelming rejected the Bull Mountain annexation, she did not feel the City should put too much energy into that area.

Councilor Moore noted Tigard does not have the resources to do their studies. Councilor Woodruff suggested that they come back and say what they would need and put a proposal in front of Council.

Mr. Monahan noted Council is just seeing the lengthy letter. He suggested Council look through it closely and give direction to staff and Mayor Dirksen on how to respond.

> ADMINISTRATIVE ITEMS

a. Calendar Review

November 25: Thanksgiving - City Hall Closed

November 26: City Hall Closed – LIBRARY OPEN

November 30: 5th. Tuesday – Water District Auditorium/Lobby Conf. Rm –  
7:00 pm

December 1-4: National League of Cities Conference- Indianapolis

December 6: Cathy Wheatley returns!

December 14: City Council Business Meeting – 6:30 pm

December 21: City Council Workshop Meeting – 6:30 pm

December 24: City Hall Closed - LIBRARY OPEN

December 28: City Council Business Meeting – 6:30 pm

December 31: City Hall Closed – LIBRARY OPEN

> FOREST DEFERRAL AMENDMENT PROCESS

Dick Brewersdorff, Current Planning Manager, reviewed Jim Hendryx' memo and map showing the impacted areas. The properties under Forest Deferral are pretty much exempt from normal provisions. Properties do not have to get a tree removal permit unless they are in steep slopes or wetland areas, and in those cases, the main criteria are to file an erosion control plan. The maps indicates the number of tree deferral areas left in the city, and the urban planning area; seven are located inside the existing City limits and the others are in the urban planning area. Four properties are located outside the City are owned by people who will ultimately develop their land. The memo also points out that if Council decides to amend the code relative to Forest Deferral, it will only impact the areas inside the city, not the areas in the urban planning area in unincorporated Washington County, unless Washington County decides to implement the amendments as well, and Washington County basically looks at its codes once a year.

Mr. Brewersdorff noted Ballot Measure 37 is now the big issue to be faced. He discussed this issue with Gary Firestone, Deputy City Attorney, who indicated owners have a right to log their property because that is a permitted use in the County. If the City chooses to do something in the future, there will be a distinct possibility of a takings claim. Given the number of properties left, unless Council wanted staff to talk to all those property owners and see where they are headed, he would not recommend doing a code revision at this time. He reviewed the status of several of the properties he is aware of. Until all the issues under Ballot Measure 37 are resolved, which may take a couple of years, he believes everyone forgot about the benefits of land use planning restrictions.

Mayor Dirksen stated Mr. Brewersdorff thought process was parallel to his. If there were an opportunity to try to get rid of these within the city, it would make perfect sense. Until this whole issue arose as part of Measure 37, he was not aware there were any forest deferral areas within the city.

The Council concurred to let the issue of Forest Deferral to remain as is and not amend the code.

Mr. Brewersdorff stated in many instances, developers say they would like to save the trees, but the problems they are faced with in some subdivisions with steep slopes, rather than be hassled with where they put the tree protection fencing and quality issues that come about, it is easier to cut down the trees.

Councilor Moore noted in many instances, the trees were planted and the owners have spent a lifetime nurturing and watching them grow, all with the expectation of cutting and selling the timber at some time and using that income for their retirement.



Mr. Brewersdorff indicated the Tree Task Force spent about three years studying this issue where people had planted trees years ago for this purpose. Councilor Moore stated he was not interested in subsidizing a farmer for their trees.

Mr. Brewersdorff stated the City has only heard one side of the tree removal issue, and there are probably two other sides or more of this issue.

> COUNCIL TRAINING – CITY ATTORNEY

Mr. Monahan reviewed the list of possible training topics, and asked Council if they had a preference to the order. There are changes in State Law being implemented to the Public Contract Review Process on March 1, so Finance Director Craig Prosser will conduct that training of Council and the Budget Committee closer to the time the rules change.

Councilor Woodruff noted he would like a review of land use process. Council concurred this was the number one priority for training.

\*City Attorney Tim Ramis arrived at 6:53 p.m.

Following discussion on each topic, Council concurred to the following priority of training issues: 1) Land Use; 2) Meeting Procedure and Public Meetings Law; 3) Public Records and Records Retention, E-mail, Phone Records; 4) Personal and Municipal Liability.

Council discussed when the training would take place. It was agreed that some training would be added to Study Sessions. This option would not require additional cost by the City Attorney. Council could also schedule a longer period of time to discuss so Mr. Ramis could cover more subjects at one time.

Mr. Monahan noted the Planning Commission holds training on land use issues, which Councilors could also attend. Mr. Monahan asked if municipal powers could be blended with meeting procedure. Election law can wait. Maybe a session on Ethics could be a citywide session with Boards and Commissions. Funds were budgeted for training. He noted funds were budgeted in this year's budget for Council training.

EXECUTIVE SESSION: The Tigard City Council recessed into Executive Session at 6:56 p.m. to discuss Pending Litigation under ORS 192.660(2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the

purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

The Executive Session concluded at 7:30 p.m.

## BUSINESS MEETING

Mayor Dirksen called the City Council & Local Contract Review Board to order at 7:40 p.m.

Councilors Present: Mayor Dirksen, Councilors Moore, Sherwood, Wilson and Woodruff.

- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

Mr. Monahan requested the addition of a resolution after item 6.

## 2. CITIZEN COMMUNICATION

Norman Russell, 8857 SW Edgewood Street, Tigard, stated he represents his local neighborhood, and read a letter into the record (Agenda Item No. 2, Exhibit #1) concerning possible multi-housing development of property at 8855 SW Edgewood Street, into three parcels, and the impacts on adjacent properties. He asked Council to consider the negative impact this type of development would create, which would also establish a precedent for a patchwork of development in the neighborhood.

Councilor Moore stated he was not familiar with the proposed project but asked if this had gone through the permit process.

Mr. Monahan asked Mr. Brewersdorff to report on the status of this proposal.

Mr. Russell noted a pre-application meeting was held March 4, 2004, but the application has now expired. The owner has moved out but has the property for sale and is being marketed to developers. Neighbors know of two different people trying to buy it for its current use, but the owner is distributing information through multiple listing a service indicating the property has been surveyed and able to be subdivided into smaller lots.

Dick Brewersdorff, Current Planning Manager, reviewed the process developers are required to follow, including a pre-application conference during which staff reviews the standards and rules, and holding a neighborhood meeting before a plan can be submitted. Depending on the method of development chosen, the plan is then reviewed by either the Planning Commission for planned developments, or to staff on subdivision proposals. There are specific requirements relating to streets, fire access, water service, drainage, erosion control, and a service provider letter is required from Clean Water Services.

Mayor Dirksen noted Clean Water Services and Tualatin Valley Fire & Rescue reviews all the applications and is required to sign off on them before any permits are issued. It is a long and involved process that any developer would have to go through, before something like that can move forward.

Mr. Russell stated the neighbors are not against anyone from making money, but there were some particular issues the neighborhood was concerned about protecting.

Mayor Dirksen noted he lived in the area and would be concerned about drainage issues as well.

Ed Duffield, 8859 SW Edgewood, noted he also lives in the same area and was concerned about the potential development.

### FOLLOW-UP TO CITIZEN COMMUNICATION

- Fields Property - Mr. Monahan noted regarding the access across City property to the property behind the library that Mr. Frewing mentioned last week, there has been considerable communication between the City Engineer and Mr. Fields, the property owner. There has not been any development application submitted. It was determined the property owner was going back there to do some analysis to determine where the flood plain lines are, and it is his understanding Mr. Fields has completed that project.
- Fifth Tuesday – Mr. Monahan noted Council would hold its first Fifth Tuesday Citizen Forum on November 30, in the Water Building auditorium, from 7 to 9 p.m. There was question whether those meetings would be open to the public for Tigard related issues. The Council's answer is that they will be there to hear citizen issues related to Tigard related issues, and Council wanted to focus on Tigard business. Notice has been sent out about that meeting.

### 3. CONSENT AGENDA

Rob Williams, president of the Youth Action Council, read the Consent items.

Upon motion of Commissioner Wilson, seconded by Councilor Sherwood, to approve the Consent Agenda as follows:

- 3.1 Approve Council Minutes for October 26, 2004
- 3.2 Local Contract Review Board

- a. Amend Engineering Design Services Contract on Hall Blvd/Wall St Intersection Project
- b. Approve the Purchase of Three (3) Hybrid Vehicles for Building Division Use
- c. Approve the Purchase of Two (2) Half-Ton Pickups for Police Department

### 3.3 Intergovernmental Agreement for Towing Services

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

\*Item No. 5 was taken out of turn at this time.

## 4. JOINT MEETING WITH STATE SENATOR and STATE REPRESENTATIVE

State Senator District 18, Ginny Burdick, and State Representative District No. 35, Larry Galizio, were present.

Senator Burdick noted Captain Bell wrote the first draft of a bill she introduced and then became an initiative to voters to require background checks at gunshows. Several issues she is concerned about include:

- Ballot Measure 37, and the impacts it has on local governments.
- She had closely watched the proposed Bull Mountain annexation to the City of Tigard. She will be proposing legislation to put cities within the Metro area on the same basis as other cities in the State, allowing a straight majority requirement to annex an area like Bull Mountain.

Representative Galizio stated he was excited about the upcoming session but hopes to attend occasional City of Tigard Council meetings to keep Council informed about what is going on in Salem. He is excited to work with Senator Burdick because she has a lot of institutional memory, is experienced and well respected throughout the State. His concerns include Measure 37, the State's budget, the "Do No Harm" legislation, unfunded mandates, and other policy decisions local governments have to deal with.

Councilor Moore said he would like to hear what goals and concerns Senator Burdick and Representative Galizio have, and what is on their priority list.

Senator Burdick noted her challenging issues would be:

- Implementation of Ballot Measure 37, which might possibly come before the Legislature. She explained she did not believe the Legislature can or should do much to Ballot Measure 37 because of the 60/40 margin it was approved by, and any changes would need the support of the proponents.
- Educational funding will continue to be a huge issue because there is a billion dollar shortfall. Education is a huge part of the budget, so she is worried how education will fare during the session. She noted voters of the Tigard/Tualatin School District approved the renewal of the local option even given what she felt was a misleading ballot title, because it looked like a new tax.
- She hoped to continue as chair of the Judiciary Committee, and hope to use that to deal with many problems. That Committee will need to deal with the huge methamphetamine epidemic in Oregon. She noted many property crimes are due to that problem.
- Interpretation on the vote of the gay marriage issue, which will be a thorny issue to figure out which direction to go with that.

Senator Burdick noted that with Measure 37, the legislature has several options:

- Just let it go into effect and see what the local governments handle it. Local governments already are taking different positions. One jurisdiction adopted an ordinance allowing property owners to sue if a property owner gets Measure 37 waivers they don't like.
- Send it through either the Judiciary Committee or a Land Use Committee, or set up a special committee to deal with this. Max Williams will be missed because he headed up a special committee to deal with Measure 7. Many policy issues will be overshadowed by the budget constraints.

Senator Burdick stated she would continue to push her bill to allow school boards to keep guns out of schools, even if people have concealed licenses. It will be a difficult bill to pass because of the power of the gun lobby, and also because people already feel it is the law. There is a loophole, which she intends to deal with.

Representative Galizio stated he concurred with Senator Burdick. One thing he heard over and over was that people are tired of partisan bickering. A major goal of his and other freshman legislators is not to have several special sessions. He feels a legislature that understands there are difficult issues, but legislators need to listen to others and collaborate and negotiate with others. This is something he wants to help to reach difficult decisions.

Senator Burdick concurred there needs to be cooperation by all the members of each house. She noted for the first time ever, the Senate Democrats agreed their caucus meetings would follow the requirements of the Public Meeting Law, including notice and being open to the public.

Councilor Moore stated Salem has credibility problems and a historic lack of effectiveness by not getting things done. One thing he would like to see is return of school funding to the school boards. There is a lack of funding that Tigard is used to. While the local school tax option passed, there is still a need to return that control to the local level. He hopes that something can be done about this. Mayor Dirksen noted he concurred because the school funding is a burden that has been placed on the State.

Senator Burdick stated this issue was a reverse mandate by the voters. The State approves mandates to local governments all the time, but the voters did it to the State this time by giving responsibility for schools to the Legislature and not adding a dime in additional revenue in which to handle this huge issue.

Senator Burdick advised local governments to contact Oregonians in Action, to request their support to change the law under Ballot Measure 37. With a 60/40 margin of approval, any changes will require to have the support of the proponents. If the proponents are not supportive of any change, there is not much the Legislature can do until at least some time has gone by. The Legislature found that out when voters approved the Medical Marijuana and Death with Dignity ballot measures.

Councilor Woodruff stated he appreciated Senator Burdick mentioning she will be looking at the annexation issue and trying to clarify the statutes that conflict with each other. He hoped there would be a public hearing on that issue to allow people with different points of view to air their perspective. There are many views, and hope a decision is made that will be fair to everyone.

Representative Galizio stated he looks forward to working with Tigard City Council.

Councilor Woodruff noted Council meets at regular times each month, and hoped Senator Burdick and Representative Galizio could come to some of those meetings to present updates.

## 5. SWEARING IN OF NEW POLICE CAPTAIN MICHAEL BELL

Chief of Police, William Dickinson, noted Captain Michael Bell worked for the City of Portland for 23 years and seven years for Lane County. He then gave the oath of office to Captain Bell.

Captain Bell introduced members of his family, and was congratulated by Mayor Dirksen and the Councilors.

6. FORMAL GRADUATION OF TIGARD'S COMMUNITY EMERGENCY RESPONSE TEAM (CERT) VOLUNTEER PROGRAM CLASS II

Dennis Koellermeier, Public Works Director, presented the staff report, and then introduced Mike Lueck, the EOC commander.

Mr. Lueck reviewed the CERT training program, and then introduced each of the Graduates, and presented certificates and pins. The following graduated from the second session: Donna Hammersly, Cindy Eng, Loel Strong, Judy Baxter, Ann Anderson, Louise King, Linda Soto, Scott Peterson, Brady Minthorne, Phil Wentz, Jennifer Glaser, Irene Finch, Phil Westover, and Ted Baxter.

Councilor Moore asked if there was going to be any on-going training for CERT graduates. Mr. Lueck explained Tualatin Valley Fire and Rescue (TVF & R) provides the funding for the initial training of 24 hours of training for eight weeks. TVF & R is planning to provide additional training through the year for enhanced training in fire and patient extraction in cooperation with the City of Beaverton's training program.

6B - RESOLUTION – ACKNOWLEDGING THE VALUABLE SERVICE OF JANE MCGARVIN, DEPUTY CITY RECORDER

Mayor Dirksen read the resolution, and presented Ms. McGarvin with certificates, pins and a potted plant.

Upon motion of Councilor Sherwood, seconded by Councilor Wilson, and unanimously to approve RESOLUTION 04-90, A RESOLUTION OF THE TIGARD CITY COUNCIL ACKNOWLEDGING THE VALUABLE SERVICE RENDERED BY JANE MCGARVIN AS DEPUTY CITY RECORDER, FROM JUNE 2004 TO DECEMBER 2004.

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes



7. PUBLIC HEARING (INFORMATIONAL) – CONSIDER RESOLUTION FORMING  
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 32 (Fern Street)

Gus Duenas, City Engineer, stated one property owner had signed up to speak. He spoke with that property owner before this hearing who told him that his property was already hooked up to sewer. Because this project was going to be part of the MSTIP-3 project to be constructed in the spring, there is time to research this concern. He would recommend that instead of proceeding with this project at this time, the project be withdrawn in order for staff to investigate the property owner's concern. If staff finds that the property is already hooked to the sewer, then staff will revise the Engineer's report to spread the cost of the project over the rest of the properties. This would provide correct notice of the estimated to the property owners before the project is begun, rather than at the end. The property owner indicated his home had sewer that is served from the rear of the property, rather than the normal front access. He did not know why the consultant was not aware this property was already connected to the sewer.

This item was then officially withdrawn from the agenda.

8. PUBLIC HEARING (INFORMATIONAL) – CONSIDER RESOLUTION FORMING  
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 33 (Walnut Street)

- a. Mayor Dirksen opened the Public Hearing.
- b. Mr. Duenas presented the staff report, which included a PowerPoint presentation (Agenda Item No. 8, Exhibit #1, copy on file with the City Recorder). Mr. Duenas reviewed the elements of the incentive program for property owners to hook up sewer after the project is complete and accepted.
- c. Public Testimony – None.
- d. Staff Recommendation – Mr. Duenas indicated the staff's recommendation is to approve the resolution initiating the formation of the Sanitary Sewer Reimbursement District No. 33 (Walnut Street).
- e. Council Discussion

Councilor Sherwood asked if it was usual to have a proposal where there is one or two lots separated by some distance from other lots. Mr. Duenas responded the sewer line runs along the creek at the rear of the property instead of in the front of the property, and this proposed Sanitary Sewer District is trying to pick up the lots that are not hooked up.

- f. Mayor Dirksen closed the Public Hearing.
- g. Council Consideration: Resolution No. 04-91.

Upon motion of Councilor Wilson, seconded by Councilor Sherwood, to approve RESOLUTION 04-91 – A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 33 (SW WALNUT STREET).

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

9. PUBLIC HEARING – REVISED PARKS SYSTEM DEVELOPMENT CHARGE METHODOLOGY AND RATES

- a. Mayor Dirksen opened the Public Hearing.
- b. Dennis Koellermeier, Public Works Director, introduced Don Ganer, consultant, who worked with staff on this project. He noted Council had received a letter from Ernie Platt of the Home Builders Association (Agenda Item No. 9, Exhibit #1) and then distributed copies of a faxed memo from Ed Sullivan that was received this afternoon (Agenda Item No. 9, Exhibit #2, copies of which are filed with the City Recorder). He then presented his staff report, explaining the current methodology needed to be updated in order to comply with state law adopted in 2003. The proposed revision updates the methodology as well as increases the rates as of January 1, 2005. Council received a briefing on the proposal on September 21. At that time, Council authorized staff to release the draft of the SDC methodology and to begin the process for holding this hearing. He noted Mr. Ganer and staff met with the chair of the Home Builders Board to address their concerns. One of the issues raised by the Home Builders resulted in a proposed change, which has been included in the agenda packet. Staff will be asking for Council's direction on that proposed change. One issue staff will be addressing during this hearing is the amount of green space included in the plan. Staff studied the issue and does not recommend any change based on the fact that City residents have consistently indicated a desire to increase green spaces in the City. In addition,

staff concluded that Oregon law allows appropriate credits against SDC's for donation of green ways made by developers. The new rates to be adopted by Council will generate approximately \$5.5 million in additional SDC fees over the next five years. The fee increase would not be applicable in the Bull Mountain area. If approval had been given on the Bull Mountain area annexation, an additional \$5 million would have been collected over a five-year period. If Council approves the SDC methodology and rates, SDC fees will increase from \$1,852 to \$3,893 for a single-family residence, or \$3,753 if Council accepts the adjustment that was suggested tonight.

Mr. Koellermeier explained the process suggested is to conduct the public hearing, consider the Home Builder's request, and then direct staff to prepare the necessary resolutions that will be brought back to the December 14 Council meeting.

c. Public Testimony

Mr. Monahan suggested that staff comment about concerns addressed in Mr. Sullivan's letter.

Don Ganer, Don Ganer Consultant, stated Mr. Sullivan in his letter is basically talking about property the owner is voluntarily consenting to be annexed, and if that occurs, the proposed development could be annexed. Mr. Sullivan's concerns include:

- Developer's plans had been developed based on the premise they would not be paying SDC's, and now if they are required to pay SDC's which would not be fair.
- There are a lot of green spaces developers are required to set aside as a condition of approval. Developers would request credit against the SDC for the green space if they were required to pay SDC's. There is a possibility the City could do that, if the green space areas are donated to the city. If the property that is being talked about is not going to be developed or is not being donated as public property, then it is not appropriate to give SDC credit.
- The final issue was there was an adjustment in the proposed SDC methodology to account for tree mitigation. If the tree mitigation costs were considered, the development costs for parks could be reduced by \$10,000 an acre. That has been factored out. The developer did not believe that was sufficient, and believes that should be more.

Councilor Woodruff asked when approval for the development was given. Mr. Koellermeier responded he was not sure, but believes it was several weeks ago.

Councilor Woodruff asked if this was an area that would have been annexed as part of the Bull Mountain annexation, which has been talked about for well over a year. Mr. Koellermeier responded that was part of the Bull Mountain area proposed for annexation. Councilor Woodruff noted it seems a little strange the owners were not aware of the City's SDC's and development requirements since the City has been talking about the Bull Mountain Annexation plan for well over a year.

Councilor Wilson asked if SDC's are collected at the time the Building Permit is issued. If this is a voluntary annexation, then he did not see this should be exempt.

Mr. Ganer explained their contention is that they should not have to pay the SDC's. Normally whatever is in place at the time the building permit is issued is what they have to pay. Until they pull a building permit, no money has been expended on construction. It is assumed they can make adjustments in their price.

Mr. Koellermeier noted one concern expressed was if Council approved an increase in SDC rates on a Tuesday night and the rates were to go into effect the next morning. What Council is proposing is a lag time for the rate to go into effect until January 1, 2005. There is an opportunity for someone to pick up a permit before the end of December and avoid paying the increased SDC's.

Mr. Ramis asked staff to restate the comment about the SDC credit, because Mr. Sullivan's letter characterizes the city's position as "refusing to authorize SDC's credits when the developer provides passive recreation areas to the residents of this development and the community as a whole."

Mr. Ganer responded the point he was making earlier is if the developer donates that property and makes it a public property owned by the city, then it is eligible for credit. What Mr. Sullivan refers to in his letter is a situation where they provide some things but it is not really public, it is privately owned. Unless something is available to the public and publicly owned, it is not eligible for SDC credit.

Mr. Ramis noted the letter states, "...provides passive recreation areas to the residents of the development and to the community as a whole." He asked if that required dedication of land to the public.

Mr. Ganer responded if they are stating this is a dedication to the public, then it would be eligible. If what they are saying is some developments will provide things like privately owned trails or other types of facilities that are owned by the subdivision or a community association, but they are not available to the general public use, it is not covered.

Mr. Ramis asked if it was a dedication that allows public use, it would be eligible for consideration for credit, but it is in private, it doesn't. Mr. Ganer stated that was correct.

Ernie Platt, Home Builders Association, 15555 SW Bangy Road, Lake Oswego, stated the Home Builders Association (HBA) did receive early notification of the proposed change of methodology, and did spend a couple of hours with several members of the City staff and the City's consultant, as well as several HBA members. The HBA thoroughly reviewed the proposal and had four questions, which were outlined in their November 15 letter (See Exhibit 1). The first two items have been sorted out and City staff commented those issues have been addressed. The third and fourth points raised in his letter relates to the quantity of green space. Unfortunately in the City's master planning, there is no standard for a level of service and almost anything can be done. He feels the quantity of green space proposed by the City is really beyond the norm. He reviewed the National Recreation and Park Association website on the internet to see what kind of suggested levels of service they might suggest for various classifications of park and parks uses, which is not binding on anybody. Their recommendation for green spaces was in a range of  $\frac{3}{4}$  to 1 acre for thousand population. The City's plan specifies  $3\frac{3}{4}$  acres per thousand, four times the National standard number. In his opinion, the City's proposal is excessive. At that number, the overall level of service equates to 6.55 acres per thousand,  $3\frac{1}{4}$  that is your green space. It is approximately half of your park system, by land area.

Councilor Woodruff stated he talked with Mr. Platt yesterday and explained the City is catching up on parks and green spaces. The parks that are located in Tigard per thousand residents continue to be less than the number of acres per thousand than some of the surrounding cities. While it may seem to be excessive, the City is trying to catch up and develop more space that was not developed earlier.

Mr. Platt said he had two comments relating to that. The standards by the National Recreation and Park Association for cities the general size of Tigard is between 6 and 10 acres per thousand population. Tigard is projecting 6.55 acres, so Tigard is right in the range. As to comparing Tigard to other cities, he does not buy that argument. Every city and every park district prepares

their own master plan, prepares their own associated capital improvement plan that goes with that, and what one city or one park district does in relationship to what another city or park district does, does not make sense because Tigard is not bound by what others do and they are not bound by what Tigard does.

Councilor Woodruff noted Council is bound by what its citizens want. Tigard citizens have stated there are not enough parks.

Mr. Platt stated he was addressing green spaces, not the overall number of park areas.

Mayor Dirksen stated Mr. Platt is not really challenging the overall total acreage the City is considering, but what it sounds like is a concern from his letter is the proportion of green spaces vs. developed parks. Mr. Platt stated that was correct.

Mayor Dirksen said his first thought was if the City were to change that ratio and go to a higher ratio of developed parks, the development costs for those parks would go up and would probably lead to an increase in the SDC's to produce those.

Mr. Platt agreed that might be possible. He would have to review the numbers and the consultant would have to re-crunch the numbers. The other issue he wanted to discuss is the magnitude of this proposal and the timing. The suggested SDC for single-family residents as amended is \$3,753, and currently the fee is \$1,873 now. This amounts to over a 100% increase. The Council has the authority to do this, as the city is the sole provider for building permits. He does not know anyone in a competitive market that provides goods and services that can pull off a 100% increase in a price of a commodity or service. He did not know the direction Council will give staff, but he would suggest that if that is to be the number, but if Council decides to implement the increase, then Council consider phasing the increase in over a two-year period to accomplish, increasing it by 1/3 in 2005, another 1/3 in 2006, and to the total increase in 2007. A minimum would be 1/2 in 2005 and the full increase in 2006. He said this proposed increase is catching people right on the fence who have made plans, made commitments, gotten loans, sold houses, on a presale basis, and the price of a house just went up \$2,000. You are asking them to pay \$2,000 more for that building permit on January 2, then what they would pay on December 30. If they do not have the means to collect that in the price of a house, you are really picking their pocket. That is his recommendation, and if Tigard has to do it, he asked that the increase be phased in.

- d. Mayor Dirksen closed the public hearing, as there was no one else indicating they would like to testify.
- e. Council Direction

Councilor Wilson asked how long ago was the last increase. Parks Manager Dan Plaza responded it was January 1, 2004. There was a formula in place that automatically increased the SDC by a small percentage January 1, 2004.

Councilor Woodruff asked when the last time the SDC's were really examined like this was.

Councilor Wilson noted his answer to Mr. Platt would be there have been huge increases, particularly in land costs. Not too long ago, property could be purchased for \$100,000 to \$200,000 an acre and the price is pushing \$500,000 now. He is curious what the history of the Park SDC has been. By the time you add the Park SDC, the streets, and water, what is the total cost of fees. It probably is close to \$10,000 in fees, but on the other hand, if it cost \$400,000 to build a house, this amount probably would be close to what it has always been.

Councilor Sherwood said she was thinking about this as well and how these fees impacts affordable housing. One thing that drives up the cost is all these fees. The last report for the City of Beaverton is that for house costing \$140,000, there is \$20,000 in fees. Affordable housing is needed but yet the fees are being increased. She is not saying that is bad, because every time the City has gone out to buy park land, they have gotten into bidding wars with developers, and the City loses because the City is not able to buy affordable park land.

Mayor Dirksen noted that if you look at the level of fees, instead of looking at the price or cost that the fees add to the house, you need to look at the fee as being a measure of the impact the new house will have on the city, for traffic or parks, or whatever. Once that house is built and that one-time fee is paid, the impact of that house is there forever. That is the only time it is collected. He believes Council is all in agreement about that. When Council talked about the draft methodology back in September, Council recognized that Park SDC has not kept pace with the actual cost incurred and trying to create parks. That is what Council is trying to address with this proposal.

Mr. Plaza noted in response to Councilor Wilson's question, the last time the SDC's were increased by resolution was April 2001. The cost per acre at that time was \$7,700 an acre. He recalled that fact was one of the reasons that

drove the staff to take another look at this. At \$7,700 an acre, staff knew something needed to be done.

Mayor Dirksen asked if land prices have really gone from \$7,700 an acre to over \$300,000 an acre.

Mr. Ganer said he didn't know if it had gone up that much, but that was the number that was used in the 2001 calculations. The figure of \$7,700 an acre was probably low.

Mr. Plaza stated when staff started doing the Bull Mountain analysis several years ago, he recalled checking the price of property, which was \$125,000 an acre. After a short time went by, he checked back and the price was between \$225,000 and \$275,000 an acre. The last time he checked, the price was over \$300,000 an acre. That is how fast land cost has climbed during the past two to 2-1/2 years since the City has been working on the Bull Mountain project.

Mayor Dirksen noted one issue that was mentioned is there is a development that is in process and others are near the end, where development is taking place under the assumption that the Parks SDC was not going to be increased or there would be a small percentage increase. The developments are at the point now where they are actually going to coming in for building permits, because the infrastructure is basically complete and soon construction of houses will commence. There could arguably an unanticipated impact on the development, if there are any at that stage. He asked Mr. Koellermeier if he knew about this.

Mr. Koellermeier stated developments are in almost every stage of completion. If one is nearing completion, another one is just starting. At any one point in time, it would be hard to say where each development is. Another aspect to add to that discussion, historically SDC's have been paid at the time the building permit is issued. There has been discussion if we should do it differently, possibly at the subdivider level. Staff is not proposing that. It seems the best time to collect SDC's is at the time the building permit is issued because there is still an opportunity for the builder to make adjustments in the home and price. While a little sympathetic, you have to start somewhere and whatever date is selected, there will be problems for someone.

Councilor Moore stated he did not believe builders are going to absorb this increase, because residents are going to use parks and green spaces. Our citizens are screaming they need more parks and green spaces. Anything that



is worthwhile will be added to the purchase price, and parks can then be developed.

Councilor Woodruff said Council is sympathetic to the homebuyer and there are goals for affordable housing. This decision is going to impact that decision. The Vision Task Force has talked a lot about growth. One suggestion had to do with increasing SDC's fees as a way to provide some incentive for development not to have so many units on property, which is what some people would like to have, with less density. He is in favor of moving forward for Council to take action on December 14, and maybe more information will come in between now and then for Council's review.

Mayor Dirksen stated he has not seen anything to change the direction Council gave staff earlier.

Councilor Moore stated what he recalled seeing in the study in September was a comparison of what other cities charge. Tigard is not at the top of the scale. He feels the proposal is reasonable in comparison with other cities.

Mr. Ganer stated of the SDC rates in Washington County cities, the highest single family rate is Sherwood at \$5,618, Tualatin Hills Park District, is currently \$2,533 and they are scheduled an increase based on inflation to \$2,750 January 1; Tualatin is currently at \$2,100 and will increase to \$3,150 in January 2005, which was phased in at the request of the Home Builders; North Plains is at \$2,144, but they are in the process of updating their methodology. West Linn in Clackamas County is the highest in the State at \$8,200, but their fee is still facing a court challenge.

Mayor Dirksen asked if there is consensus on the direction to give staff to move forward.

Mr. Koellermeier stated one clarifying point needed from Council is, does Council want the resolution prepared with the adjustment staff suggested which would reduce the rates.

Mayor Dirksen stated the recommendation was based on what staff did.

Mr. Koellermeier stated the change would be in response to the Home Builders Association. Staff worked with the Home Builders Association and thought there was some validity to their request. This was stated in a staff memo.

Mayor Dirksen asked what the recommended rates would be.

Mr. Koellermeier responded the revised rate recommendation would be:

- Single Family Home, \$3,753
- Multi-Family, \$3,017
- Manufactured Housing, \$2,976
- Commercial per Employee, \$255 per employee.

Councilor Sherwood asked staff if they were recommending a phase in of the rates. Mr. Koellermeier responded they were not recommending a phase in, although the Council could decide to approve a phase in of the increased SDC's.

Councilor Wilson stated he was sympathetic to the argument presented, but people commit to loans just prior to construction. Most builders, unless they build spec houses, build houses when they have a buyer. If the price of lumber jumps up or other commodities, they just make adjustment for that. That is part of the risk of building a home.

Mayor Dirksen noted that when Council approved a phase in of taxes for the annexed area, it was for a consideration for the people who were living there, and it would be an increase over a long period of time, where as this is a one time thing, and it is always brand new. He asked staff if they felt they had direction from Council on what to do.

Mr. Koellermeier stated yes, they would prepare necessary resolutions for consideration on December 14.

## 10. COMPREHENSIVE PLAN UPDATE PROCESS DISCUSSION

- Staff Report: Barbara Shields, Long Range Planning Manager

Barbara Shields, Long Range Planning Manager, noted the critical piece is the chart, which outlines the timeline proposed for the comprehensive plan update, which will take three years, which is based on the Planning Commission's recommendations. The Planning Commission is requesting a joint meeting with the City Council to address the scope of work as well as other workload issues. The staff report listed a number of issues identified by the Planning Commission.

- Study Area – Should the unincorporated Bull Mountain area be included in the study area.

- Public Involvement process – What should the extent of the public involvement be? Should the Council establish another task force to guide the comprehensive plan update process?
- Priority Issue – What are the Council's priorities regarding the long range planning projects.

Mr. Monahan explained staff is looking for feedback on the Planning Commission's recommendations, because the comprehensive plan update process will be a very extensive process. The City has worked with the Committee for Citizen's Involvement (CCI), which could assist in this process, or would Council prefer creating another totally separate committee, which might be a blend of the Planning Commission and the CCI to oversee this process. The feedback the staff would like at this time includes:

- Is staff on the right track;
- Does Council have any concerns about the proposed timeline;
- Is Council concerned about the process; and
- Does Council want to meet with the Planning Commission to discuss their recommendations and to make sure everyone is thinking the same way and how to proceed.

Councilor Wilson said he has strong feelings about the comprehensive planning project. The staff and Council just went through a very controversial year, which was very taxing and was an extensive use of city resources and Council's time. He concurs the comprehensive plan needs to be updated soon, but he is concerned that effort not jeopardize the work on the Downtown Plan, as it is a big project by itself. He feels the comprehensive plan update needs to take a back seat to the Downtown Plan at this time. In addition, a major tool for planning was just lost as a result of the passage of Ballot Measure 37. He believes there needs to be a delay of at least six months to a year of the comprehensive plan update before staff, the Planning Commission and Council knows what tools are available. He felt to move forward now would be futile.

Councilor Sherwood noted she concurred with Councilor Wilson that the Downtown Plan needed to be the focus at this time, especially since cutbacks were made to long range planning area. She appreciated all the staff has been able to do during the past year. It might be possible to do some preliminary work on the comprehensive plan. She felt it would be a good idea for Council to meet with the Planning Commission.

Councilor Woodruff stated he supported having a joint meeting with the Planning Commission to talk about this and to hear directly what they have to

say about the update process as well as the Council's proposal to delay work on the comprehensive plan.

Mayor Dirksen stated he appreciated all the comments. He noted Councilor Wilson prefaced his remarks that the comprehensive plan needs to be updated soon, but "soon" is a relative term. This is certainly not something the City wants to rush into or do as quickly as possible. There is certain urgency to updating the comprehensive plan because of the consequences of allowing development to continue under an outdated comprehensive plan. He would not want to see the efforts of the Downtown Plan to stop or to update the comprehensive plan in a hurry. Even if the comprehensive plan process were to begin, it will not happen very quickly. Some preliminary steps could still take place as it would take months before any recommendations for changes are made. He noted the first couple of steps involve development of a public participation program and then to create a background report. If there is a citizen task force involved, it would take a period of time for them to review the volumes of documents in order to become familiar with the existing planning documents before the process could move forward.

Councilor Sherwood noted the concern she has is the amount of staff time it would take to create the preliminary background reports, because basically the same staff that are working on the Downtown Plan are also working on the comprehensive plan background reports.

Mr. Monahan pointed out at this time, staff does not know what the impacts will be from Measure 37 or the number of claims that will be filed, and those claims will be processed by the long range planning staff. He feels Council's consensus is that there is not a need to rush on the comprehensive plan update, and to schedule a joint meeting with the Planning Commission probably after the first of the year. He asked for Council comments on the timetable proposed by Ms. Shields, which is proposed to be a three-year process. Other concerns are: does this meet Council's expectations, is this too long of a process, too short, or about right. If Council decides not to start the process now, comments can wait until Council meets with the Planning Commission. He noted that both Council and the community have commented in the past that the comprehensive plan review process was going to be started after the first of the year, which was why staff has put so much effort in getting to this point. If the decision is to delay, then staff will put their efforts into other activities until Council wants to begin working on the update.

Councilor Woodruff stated Council had answered staff's fourth question and the first three are important but was not sure if direction can be given at this time.

Councilor Sherwood stated she would not be in favor of including the unincorporated Bull Mountain area in the City's comprehensive plan update unless Washington County was willing to pay the City to do that work. She did not feel Tigard should use its money to address planning issues for that area. She would not want to include the unincorporated area after the voters' resoundly rejected the annexation proposal.

Mr. Monahan recapped the Council's discussion as follows:

- Task 1 - Study Area - Staff will initiate discussion with Washington County to determine if they would be willing to contribute funds to the City of Tigard for including the unincorporated Bull Mountain area as well as other Urban Growth Boundary areas in the updating the comprehensive plan. When he reports back to Council on that discussion, Council can determine the total study area.
- Task 2 - Citizen Participation – No direction at this time, but Council wants to talk to the Planning Commission to see if they want to take this on, or partially involve the members of the Planning Commission in a different task force.
- Task 3 – Public Participation – There is time for discussion on whether to get the CCI up and running again.
- Task 4 – Priorization of Long Range Planning Projects – It sounded like for the foreseeable future, the Downtown Plan will be the focal point of the Long Range Planning staff. Council wants to discuss how the comprehensive plan update fits into that process. If Council decides at a later date to focus on the comprehensive plan update, there is a timeline chart prepared that can be updated.

Councilor Woodruff stated the staff is already working on the Downtown Plan. In addition, he wants to see what the impacts will be of Measure 37 before moving ahead too much.

Councilor Wilson noted the TGM grant for the Downtown Plan ends in June, but the project will not be complete at that time. It will probably require an urban renewal district, which will involve a lot of effort and take several years to complete.

Mayor Dirksen acknowledged the principles of the Downtown Plan, but asked Council not to halt the comprehensive plan update process. He did not feel the preparation of the background documents would take that much time.

The TGM grant will be completed in June after when the plan is presented and approved. He would like the Comprehensive plan process to proceed as well.

Councilor Woodruff noted he heard a lot of comments during the election process from citizens that they wanted the City to move ahead with the comprehensive plan update.

Ms. Shields stated staff will create some preliminary elements of the public involvement plan and Council will meet with the Planning Commission. She will report the Council's concerns to the Planning Commission.

Mr. Monahan noted Council had committed the January workshop meeting to Council Goal Setting, so February's workshop meeting would be the logical date for the joint meeting to occur.

11. PUBLIC HEARING – CONSIDERATION OF AN ORDINANCE PROVIDING A PROCESS FOR CONSIDERATION OF WRITTEN DEMANDS FOR COMPENSATION UNDER 2004 BALLOT MEASURE #37, ADDING A NEW CHAPTER 1.20 TO THE TIGARD MUNICIPAL CODE.

- a. Mayor Dirksen opened the public hearing.
- b. Staff Report.

Mr. Ramis referred to the revised ordinance that he had prepared (Agenda Item No. 11, Exhibit #1) that would establish the process for people to make claims under Measure 37. Measure 37 changed the land use framework in the State and provides in circumstances where property values have been devalued by the effects of regulation, a property owner may apply for compensation. Under the measure, the Council is charged with deciding who will decide on the claims, may award compensation, or may determine to waive the land use regulations and allow development. The measure goes into effect December 2. The ordinance sets up a procedure to process claims, and provides information to the public on how to file a claim.

Mr. Ramis indicated the ordinance provides general authorization for the procedure and Exhibit A outlines the specific procedures. It is recommended Council adopt the Ordinance, as well as carefully consider the various provisions of Exhibit A. There are three areas staff requests guidance from Council.

- Whether to charge a fee for filing a claim; and if so, how much. Should it be a straight fee or a deposit where the time staff spends on the claim is

- charged against? Will the fee be imposed if it is decided the application is valid, or will the fee be waived in those instances?
- What evidence does Council feel should be submitted relating to value? Would you expect to see an opinion offered at one of the spectrum, or would you expect to see a formal appraisal at the other end of the spectrum, or something in the middle? Would a less formal market analysis be sufficient?
- What information will be required to be submitted as part of the application? Page 2 of Exhibit A includes a list of various items that states appellants are encouraged to be included, but Council may want to make some or all of those items to be mandatory.

c. Public Testimony

Gretchen Buehner, 13249 SW 136<sup>th</sup> Place, Tigard, stated she was opposed to Measure 37 and feels it will create a big mess. She is concerned about what the Legislature is going to have to do to this measure beginning in January. Regarding the procedure the City is proposing to adopt to process claims, she feels the more detail that can be required as part of an application, the better results the City will have if it ever has to defend the record at an appellate level. She would strongly urge requiring a formal appraisal as part of the application. The IRS requires an appraisal if there is any question of value, and that analogy should easily be carried over to this situation. Basically her advice would be to get as much information as possible in order to develop a very detailed record.

Councilor Sherwood noted the Council met with three legislators last week at the Joint Meeting with Tualatin City Council and the Tigard/Tualatin School District Board and we were told there is little the Legislature will do to the Measure, other than possibly a few tweaks. Basically, they indicated implementation of this Measure is up to the local governments.

Ms. Buehner stated the reason she recommends requiring as much information as possible with the application is what will occur if a decision is challenged to an appellate court. The city will be in a much stronger position if it has a very detailed record at the local level.

d. Staff Recommendation

Mr. Ramis stated the staff's recommendation is for Council to adopt the ordinance and provide direction with respect to the features to be in Exhibit A.

e. Council Discussion

Councilor Moore noted Mr. Ramis touched on a number of issues that Council has questions about, including covering the cost to process claims, should this be fee neutral, is it a fee or a deposit to cover the cost to process claims, should Council require a market analysis or a formal appraisal. Regarding Section B on page two of Exhibit A, instead of "encouraging" the five items to be submitted, should those items be "required" to be submitted. If they are required, but unable to be provided, require that a statement be submitted to explain why that item cannot be provided.

Councilor Woodruff stated Council talked about balancing the needs of the staff and the applicants, and he did not want this so burdensome that it looks like the property owners/claimants are being punished if they file a claim under this new law. At the same time, we want to make sure enough information is provided, that the applicant has done some homework on the analysis of their claim, that sufficient information is provided to identify the issue and reasons why they feel their property was devalued before they submit their application. He concurred with Councilor Moore about making the statements under Section B on page 2 of the exhibit to be mandatory, as well as having a fee that would cover the actual costs of processing an application.

Councilor Moore stated he did not know what a fair fee would be, but he thought staff's time should be covered by a fee. He did not want other taxpayers to assume the cost burden of someone who is filing to be compensated. He did not know how much time staff would be required to spend on each application but the fee should be enough to cover the cost. Possibly there should be a deposit required that costs are charged against, and any unused portion of the deposit would be refunded to the appellant at the end of the process for that application.

Councilor Sherwood asked if the deposit would be refunded if it were found there is a legitimate claim.

Councilor Moore responded the city should be able to recover its cost to investigate, regardless of if it is a legitimate claim or not. He would propose a fee of \$1,000. If the cost \$500 to investigate the claim, the other \$500 would be refunded. He asked how hard would this be to administer.

Councilor Wilson asked if the fee would be refunded if the claim is not legitimate.



Mr. Ramis stated there is not a precise answer to that based on the language in the Ballot Measure. A successful applicant that the procedure itself will impose an additional restriction on the use and therefore should be compensated for the cost of processing the application could make an argument. That will be an issue that probably will be subject to a court challenge.

Councilor Moore asked if language could be included that the fee would be required to be paid at the time of submitting an application, and that all or part of the fee would be refundable, based on the final decision.

Mr. Ramis concurred that language could be written to address that concern.

Councilor Moore stated he would prefer that rather than calling it a filing fee, the money paid would be a "deposit."

Mr. Ramis stated he felt staff's concern is that a consistent procedure be established on the way applications are treated, and it would be helpful to know up front how the claims were being treated that is proven to be valid, when it comes to payment.

Councilor Sherwood concurred that there should be a deposit, even by those who have a legitimate claim. She felt having a deposit would keep those who thought they would submit a claim just to test the system from filing an application. She felt that people who have a legitimate claim would complete the application, provide the required information, and pay the deposit, before staff has to go through the entire process to find there was no decrease of value.

Councilor Moore stated he preferred requiring a deposit, which would pay the cost of processing a claim, and if found to be valid, then possibly refund the entire amount of the deposit, not just the cost to process the claim. He did not want taxpayer money to benefit someone who did not have a valid claim.

Councilor Wilson noted that Ms. Buehner's comment about market analysis was one he had not thought about. He has been thinking about what happens if there is insufficient information provided on a proposed claim, and if there is a process to go back and ask for additional information.

Mr. Ramis said he feels that during a hearing process, it would be fair to tell an applicant/claimant that their information was inadequate, and give them time to get that information. However, there is a time limitation to process claims. It is necessary that claims be processed expeditiously, but it would be better if City can give notice to prospective appellants what information is required.

Councilor Wilson agreed that an appraisal would certainly be better than a market analysis. What happens if an appraisal is submitted, but the City disagreed with the findings. Can the City have its own appraisal conducted. Would the City have an appraisal conducted automatically on every application.

Mr. Ramis responded there would be situations where staff feels an appraisal would absolutely be needed because it is obvious there has been a substantial diminution of value because of regulation, and other times when an appraisal clearly would not be needed. There are going to be a certain number of cases that an appraisal will be necessary, especially in close cases where it will be necessary for both sides to have the best information available to support its case.

Mayor Dirksen suggested that in paragraph B-3, perhaps a minimum of a market analysis would be required, but leave it up to the claimant whether they feel it was necessary to have a full appraisal conducted.

Councilor Moore asked what the difference in cost between a market analysis and an appraisal.

Councilor Wilson responded that a realtor could probably provide a market analysis for free on residential property, whereas an appraisal would cost about \$500 for residential property. Appraisal for commercial property would be higher.

Councilor Moore stated he felt it should be left up to the claimant to decide whether to just have a market analysis or a full appraisal. In situations where value is questionable, claimants would probably have a full appraisal completed.

Councilor Wilson asked what the difference is between a market analysis and an appraisal. Ms. Buehner explained when developers' look at property, both as a buyer or seller, the client gives an appraiser a list of criteria to look at. An example might be, what is the current zoning, what the proposed use might be, and what would the property valued at under that scenario. This is done all the time. An appraisal is based on certain criteria or variables. An appraisal for commercial property will cost between \$1,500 and \$2,000, and the cost for an appraisal on residential property is about \$400.

Councilor Woodruff said that if he were an applicant, he would bring in the most compelling evidence he could to support his case, and would probably have an appraisal done as part of the evidence, to prove diminution of value.

Councilor Moore requested that the wording in Section B on Page 2 of Exhibit A be changed from "recommend" to "requiring," so that if people are really serious about their claim, they are providing the best information they can.

Councilor Sherwood stated that if this information is not required, then she felt claims would be submitted even if they do not have a substantiated claim.

Councilor Woodruff said he felt the serious claimant who believe they have a legitimate claim, will provide that information, but this may discourage those who does not have a valid claim from filing. Some might just be throwing in a claim to see what sticks to the wall.

Councilor Sherwood concurred minimum requirements for information that is needed to be submitted to show it is a legitimate claim. That would definitely be to their benefit, and would possibly discourage frivolous claims from being submitted.

Councilor Wilson asked what the process will be if they do not like the City's decision.

Mr. Ramis stated appeals would be filed at the Circuit Court level.

Councilor Wilson asked if only the evidence submitted to the City can be considered by the Circuit Court, or can new evidence be submitted.

Mr. Ramis responded he did not know what an appeal to the Circuit Court would be like. His guess would be that creative advocates on both sides would try to find ways to bring in additional evidence on appeal. Even if an appraisal was not submitted to the City to review, he thought an appraisal would definitely be submitted to a judge on appeal.

Councilor Wilson asked what the City's liability would be if the City lost an appeal at the Circuit Court level. Will the City be required to pay court costs as well as other damages.

Mr. Ramis stated that was probably correct. The Measure, although styled as a compensation matter, is probably more realistically a waiver measure. There isn't a lot of money around to pay claims, so the real issue will probably be

whether to waive the land use requirements and allow whatever the landowner had requested.

Mayor Dirksen stated that in many instances, what the person is after is not financial compensation, but a variance in order to be able to develop their property.

Mr. Ramis stated language was included in Section B, the recommended items, which Council wants to change to required, which states, "a statement describing the extent to which the regulation would need to be waived, suspended or modified to avoid the need for compensation." This was included to put the burden on the claimant to tell the City what precisely do they want changed to order to avoid the cost.

Councilor Sherwood noted under B-3, there is a statement regarding requiring a minimum of a market analysis. She asked if that needed to be changed to recommended appraisal.

Mayor Dirksen suggested leaving it as market analysis, and letting the claimant to think that up on their own. He also felt there was concurrence by Council to take out the sentence as part of B, and add items 1 through 5 to A, under items required to be submitted.

Councilor Moore asked which body would be hearing these cases. Mayor Dirksen asked if that decision needed to be made tonight.

Councilor Moore said he thought the Council should initially be the "decision maker." He felt if Council were involved in this at least in the beginning, it would give Council a better understanding of what is involved, rather than just setting the policies. He did not feel that it needed to be stated in the ordinance itself.

Mr. Ramis stated the ordinance as written would allow Council to be the decision maker initially. That process could be changed later.

Councilor Sherwood noted that Exhibit A refers to both "demand" and "claim." She suggested that the word "demand" be changed to "claim" through the exhibit. Council concurred with that recommendation.

The Council concurred to set the deposit at \$1,000, with staff costs charged against the deposit.

Mayor Dirksen asked what happens when property values are lowered even if there was no plan for development. He gave a hypothetical situation where someone owns 10 acres, which would be developable if a regulation did not exist, but because there is a regulation, a person cannot develop the property. However, that person really has no plan to develop, but the value was reduced. He asked if that person would have a valid claim.

Mr. Ramis replied that if someone comes in and it is determined the owner had a valid claim that they were not able to develop and that is accepted, the owner could choose to exercise that waiver or not. The City would not have any control over what they did.

Councilor Woodruff noted he felt there was Council agreement on the ordinance, but some tweaking still needs to be made to the Exhibit. Could the ordinance be approved and the exhibit brought back at the next Council meeting.

Mr. Monahan noted Council intends to adopt the Ordinance without Exhibit A, and then recapped the discussion as follows:

- Mr. Ramis would continue working with staff to modify Exhibit A to be adopted by Council on December 14.
- The other direction to staff would be that if anyone comes in between December 2 and December 14, we do not know what the fee will be, who the decision maker body will be as those issues would be sorted out, but they would be notified as soon as we know the answer.
- Mr. Ramis was directed to modify Exhibit A as discussed.

Council concurred with that synopsis.

Mr. Ramis stated even though the ordinance refers to Exhibit A, Council's action would not include Exhibit A. Exhibit A will be brought back to Council on December 14 for adoption.

- f. Close Public Hearing
- g. Council Consideration: Ordinance No. 04 – 12.

Upon Motion of Commissioner Woodruff, second by Councilor Sherwood, to adopt ORDINANCE NO. 04-12, AN ORDINANCE PROVIDING A PROCESS FOR CONSIDERATION OF WRITTEN DEMANDS FOR COMPENSATION UNDER 2004 BALLOT MEASURE 37, ADDING A NEW CHAPTER 1.20 TO THE TIGARD MUNICIPAL CODE, AND

DECLARING AN EMERGENCY. It was noted that Exhibit A was not included with the ordinance.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

12. COUNCIL LIAISON REPORTS - none

13. NON AGENDA ITEMS - none

14. ADJOURNMENT

Upon motion of Councilor Woodruff, seconded by Councilor Wilson, and unanimously carried, the meeting was adjourned at 10:06 p.m.

Jane McGarvin, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date: \_\_\_\_\_

# MEMORANDUM

## Administration



TO: Honorable Mayor and City Council

FROM: Cathy Wheatley

*Cathy*

Agenda Item No. 5.2a

Meeting of 1.11.05

DATE: December 29, 2004

SUBJECT: Three-Month Council Calendar

Regularly scheduled council meetings are marked with an asterisk (\*).

### January

- 1 Saturday New Year's Day – Library Closed
- 11\* Tuesday Council Meeting – 6:30 pm for photos followed by tour of the Permit Center; 7:30 pm, Council Meeting, Town Hall
- 17 Monday Martin Luther King Holiday – City Hall Closed, Library Open
- 18\* Tuesday Council Goal Setting – 4 p.m., 2<sup>nd</sup> Floor Library Conference Room
- 25\* Tuesday Council Business Meeting – 6:30 pm, Town Hall

### February

- 1 Tuesday Council Tour - Capital Improvement Program – 3 pm
- 8\* Tuesday Council Business Meeting – 6:30 pm, Town Hall
- 15\* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall
- 21 Monday President's Day - City Hall Closed, Library Open
- 22\* Tuesday Council Business Meeting – 6:30 pm, Town Hall

### March

- 8\* Tuesday Council Business Meeting – 6:30 pm, Town Hall
- 15\* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall
- 22\* Tuesday Council Business Meeting – 6:30 pm, Town Hall
- 29 Tuesday "Fifth Tuesday" Council Meeting – 7 pm Town Hall

Tigard City Council Tentative Agenda 2004

<b>Meeting Date:</b> January 11, 2005 <b>Meeting Type/Time:</b> Business/6:30 p.m. <b>Location:</b> City Hall <b>Greeter:</b> Liz <b>Materials Due @ 5:</b> December 28, 2004 <b>Bid Opening Deadline:</b> December 27, 2004 <b>Scan Deadline @ noon:</b> December 24, 2004 <b>Req to Sched Due @5:</b> December 10, 2004 <b>Televised:</b> Yes <b>Attorney Attends:</b> Yes	<b>Meeting Date:</b> January 18, 2005 <b>Meeting Type/Time:</b> Goal Setting/4 p.m. <b>Location:</b> Library Conf. Room <b>Greeter:</b> <b>Materials Due @ 5:</b> January 4, 2005 <b>Bid Opening Deadline:</b> January 3, 2005 <b>Scan Deadline @ noon:</b> December 31, 2004 <b>Req to Sched Due @5:</b> December 17, 2004 <b>Televised:</b> No <b>Attorney Attends:</b> No	<b>Meeting Date:</b> January 25, 2005 <b>Meeting Type/Time:</b> Business/6:30 p.m. <b>Location:</b> City Hall <b>Greeter:</b> <b>Materials Due @ 5:</b> January 11, 2005 <b>Bid Opening Deadline:</b> January 10, 2005 <b>Scan Deadline @ noon:</b> January 7, 2005 <b>Req to Sched Due @5:</b> December 23, 2004 <b>Televised:</b> Yes <b>Attorney Attends:</b> No
Study Session		Study Session
Tours of Permit Center (Tentative)	Council Goal Setting - Library Conference Room 4 p.m.	Executive Session - Verizon, M37, TVTV Jt. Mtg. w/Budget Committee - Craig - 30 min LCRB Update & Feedback on Revised Purchasing & Contracting Administrative Rules-Craig-20 min City Manager 360 Review Discussion (Cont. from 12/14) - Sandy - 5 min
Consent Agenda		Consent Agenda
*6:30 p.m. - Ceremonial meeting & pictures Frewing St @ Pac Hwy & Pfaffle St @79th Ave Public Sewer Easements Vacation Initiation - RES - Jim IGA between COT, City of Tualatin, Wash Co. & ODOT for the Bridgeport Village Development <b>MOTION</b>		*Verizon Agreement - Craig LCRB - R&F - Agent of Record Contract - Service Fee Reduction - Loreen 4th Qtr 2004 Council Goal Update - R&F -
Business Meeting		Business Meeting
Oath of Office Inaugural Remarks: Councilors Harding and Woodruff; Mayor Dirksen (5 min. each) Recognize the Tigard Youth Advisory Council - <b>RES</b> - Liz - 5 min Consider Expansion of the Committee for Citizen Involvement - <b>RES</b> - Jim - 20 min		Recognition of Centrex- Local Contractor <b>MOTION-PPT-RES</b> - Loreen - 5 min Affordable Housing Fee Assistance Request - Jim H - <b>MOTION</b> Third Year Title 7 Affordable Housing Functional Plan Compliance Report - PH - Jim H. - 10 min Zone Ord Amend Incorporating FEMA Require- ments - <b>ORD</b> - <b>PHL</b> - Jim H - 15 min Update Lib. Strategic Plan & Operational Hrs. - <b>PPT</b> - Margaret *Draft Council Goals - Review Tigard Vision Update Report - <b>PP</b> - Liz/Loreen - 20 min Formation of Sewer Reimbursement District #32 <b>PP, PHI, RES</b> - Gus - 10 min Adopt TVF&R Ordinance - <b>ORD</b> - Jim H - 15 min

Agenda Item No. 5.a.b  
Meeting of 1/11/05



Tigard City Council Tentative Agenda 2004

<b>Meeting Date:</b> Meeting Type/Time: Location: Greeter: Materials Due @ 5: Bid Opening Deadline: Scan Deadline @ noon: Req to Sched Due @5: Televised: Attorney Attends:	<b>February 8, 2005</b> Business/6:30 p.m. City Hall  January 25, 2005 January 24, 2005 January 21, 2005 January 7, 2005 Yes Yes	<b>Meeting Date:</b> Meeting Type/Time: Location: Greeter: Materials Due @ 5: Bid Opening Deadline: Scan Deadline @ noon: Req to Sched Due @5: Televised: Attorney Attends:	<b>February 15, 2005</b> Workshop/6:30 p.m. City Hall  February 1, 2005 January 31, 2005 January 28, 2005 January 14, 2005 No No	<b>Meeting Date:</b> Meeting Type/Time: Location: Greeter: Materials Due @ 5: Bid Opening Deadline: Scan Deadline @ noon: Req to Sched Due @5: Televised: Attorney Attends:	<b>February 22, 2005</b> Business/6:30 p.m. City Hall  February 8, 2005 February 7, 2005 February 4, 2005 January 21, 2005 Yes No
Study Session				Study Session	
Executive Session - Litigation - Loreen Update on Commuter Rail Urban Renewal Feasibility Study (Schedule and Status of Downtown) - Jim H. - 20 min		Joint Meeting with Transportation Financing Strategies Task Force - Gus - 60 min  Strategic Finance Plan Discussion - Craig - 60 min.  Joint Meeting with Planning Commission Comprehensive Plan Update Discussion - Barbara - 60 min.			
Consent Agenda				Consent Agenda	
Award Contract for Const. of FY 2004-05 Storm Drainage Major Maintenance Program - Gus					
Business Meeting				Business Meeting	
Frewing St @ Pac Hwy & Pfaffle St @79th Ave Public Sewer Easements Vacation - ORD - PH - PHQJ - Jim Review & Approve 3rd Year Title 7 Functional Plan Compliance Report - PHI - RES - Jim - Jim - 20 min Public Works Department: Mission/Values Exercise Results - Dennis - 5 min (This item was set over from the 12/28/04 Council meeting.) Ash Creek Estates LUBA Remand - PHQJ, PP, ORD - Jim H. - 45 min Update on the Community Assessment Program PP - Liz - 20 min				Indonesian Resource Cities Exchange Report PP - Dennis - 30 min Update from Washington County on the Commuter Rail Urban Renewal Feasibility Study - PP - Jim H. - 60 min.	

**Tigard City Council Tentative Agenda 2004**

<b>Meeting Date:</b> <b>Meeting Type/Time:</b> <b>Location:</b> <b>Greeter:</b> <b>Materials Due @ 5:</b> <b>Bid Opening Deadline:</b> <b>Scan Deadline @ noon:</b> <b>Req to Sched Due @5:</b> <b>Televised:</b> <b>Attorney Attends:</b>	<b>March 8, 2005</b> Business/6:30 p.m. City Hall  February 22, 2005 February 21, 2005 February 18, 2005 February 8, 2005 Yes Yes	<b>Meeting Date:</b> <b>Meeting Type/Time:</b> <b>Location:</b> <b>Greeter:</b> <b>Materials Due @ 5:</b> <b>Bid Opening Deadline:</b> <b>Scan Deadline @ noon:</b> <b>Req to Sched Due @5:</b> <b>Televised:</b> <b>Attorney Attends:</b>	<b>March 15, 2005</b> Workshop/6:30 p.m. City Hall  March 1, 2005 February 28, 2005 February 25, 2005 February 15, 2005 No No	<b>Meeting Date:</b> <b>Meeting Type/Time:</b> <b>Location:</b> <b>Greeter:</b> <b>Materials Due @ 5:</b> <b>Bid Opening Deadline:</b> <b>Scan Deadline @ noon:</b> <b>Req to Sched Due @5:</b> <b>Televised:</b> <b>Attorney Attends:</b>	<b>March 22, 2005</b> Business/6:30 City Hall  March 8, 2005 March 7, 2005 March 4, 2005 February 22, 2005 Yes No
				Study Session	
Tigard Water Supply Options- Dennis - 60 min		Joint Meeting with Library Board - Margaret - 40 min Proposed Capital Improvement Program Projects for FY 2005-06 - Gus - 20 min Joint Meeting with Skate Park Task Force Dennis - 30 min  Annexation Methods Discussion - Jim H. - 30 min			
Consent Agenda				Consent Agenda	
Business Meeting				Business Meeting	
Form Sewer Reimbursement Dist No. 34 - (SW 117th Avenue) - RES - PHI - PP Gus - 10 min Form Sewer Reimbursement Dist No. 31 - (SW O'Mara & Edgewood) - RES - PHI - PP Gus - 10 min Mountain View Estates Annexation (ZCA 2004-00002) - PHQJ, PP, ORD - Jim H. - 20 min Finalize Sewer Reimbursement District #27 PP, PHI, RES- Gus - 10 min Finalize Sewer Reimbursement District #30 PP, PHI, RES- Gus - 10 min					

**CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY**

**ISSUE/AGENDA TITLE:** Initiate vacation proceedings for two separate public easements. (VAC2004-00002).

**PREPARED BY:** Morgan Tracy

**DEPT HEAD OK** 

**CITY MGR OK** 

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**ISSUE BEFORE THE COUNCIL**

Should the City Council initiate vacation proceedings and schedule public hearings for two separate public sewer easements? The first is a public sewer easement of approximately 1,248 square feet located at SW Frewing and Pacific Highway, and the second is a public sewer easement of approximately 476 square feet located at SW Pfaffle Street and SW 79<sup>th</sup> Avenue.

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**STAFF RECOMMENDATION**

It is recommended that Council initiate vacation proceedings for the two sewer utility easements by passing the attached Resolutions (**Attachments 2 and 3**). A public hearing before council would then be held February 8, 2004.

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**INFORMATION SUMMARY**

In the City vacation process there are two ways of initiating the vacation of streets, easements and other public dedicated areas. An applicant may file a vacation petition with the City Council, which initiates a vacation by passing a Resolution to schedule a formal public hearing to consider such requests. The second option is for an applicant to file a petition with the Planning Commission requesting a vacation. This requires signatures of all abutting property owners and of the owners of two-thirds of the properties affected by the vacation. The Planning Commission then makes a recommendation to the City Council based on compliance with the Comprehensive Plan. The applicants are asking the City Council to initiate the vacation proceedings and schedule the required public hearing.

This application is a combined request to initiate two separate public utility easement vacations. The first easement (Massih) is on property located at the southeast corner of SW Frewing Street and SW Pacific Highway. The property was recently approved for commercial development (SDR2004-00001). An existing sewer easement is located under the middle of the proposed new building. This easement serves the parcel to the north. The applicant has proposed a realigned sewer easement (**Attachment 4**) around the proposed building and will construct a new line in the new location as part of the development. Dedication of the easement and construction of the line will be a precondition of this vacation request.

The second easement (Martindale) is located at the northwest corner of SW Pfaffle Street and SW 79<sup>th</sup> Avenue. The lot was recently partitioned (MLP 2004-00003). The easement at this location was established as a 15-foot-wide sewer easement. Current city standards only require a 10-foot-wide easement for sewer service. The applicant has requested that a 5-foot-wide portion of the present 15-foot-wide sewer easement be vacated. The resulting 10-foot-wide easement will be adequate for city maintenance requirements, and furthermore, the

applicant has proposed constructing the new sewer line with modern materials to minimize the need for future maintenance.

If the Council agrees to initiate the public easement vacations, separate public hearings will be concurrently scheduled, and notices posted pursuant to state law. If after the public hearings these vacations are granted, the approved developments may proceed, and properly aligned public sewer utility easements will be established.

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**OTHER ALTERNATIVES CONSIDERED**

Deny the initiation requests, and require the applicants to utilize the petition process for vacating the subject easements.

Take no action at this time.

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**VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY**

Not applicable.

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**ATTACHMENT LIST**

**Attachments:**      **Attachment 1:** Letters Requesting Initiation of the Easement Vacations

**Attachment 2:** Resolution Initiating Vacation Proceeding (Massih)  
                         Exhibit A:      Legal Description (Massih)  
                         Exhibit B:      Site Plan (Massih)

**Attachment 3:** Resolution Initiating Vacation Proceeding (Martindale)  
                         Exhibit C:      Legal Description (Martindale)  
                         Exhibit D:      Site Plan (Martindale)

**Attachment 4:** Proposed Easement Dedication Agreement (Massih)

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**FISCAL NOTES**

There are no direct fiscal impacts as a result of this request as all costs will be paid by the applicant.

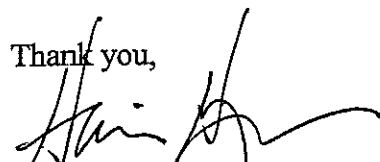
Kamelia Massih, Officer  
MASSIH LLC  
P.O. Box 108  
Beaverton, OR 97075

November 3, 2004

City of Tigard

Please have the City Council initiate vacation proceedings for an existing sanitary sewer easement across the property at 13000 Pacific Highway, as shown and described on the attached pages. The properties at this address have been consolidated into a single property and we wish to construct a building across the existing easement. Accordingly, an alternate easement will be dedicated to replace the vacated easement, and a sewer will be constructed within the new easement.

Thank you,

A handwritten signature in black ink, appearing to read 'Harris Hyman', is written over the typed name.

Harris Hyman PE/PLS  
for Kamelia Massih, Officer  
MASSIH, LLC

Sam Martindale

10/25/04

City Council  
City of Tigard City Hall  
13125 SW Hall Blvd  
Tigard, Or. 97223

re: Request to vacate a portion of sewer easement at Lot14,Friendly acres,Pfaffle & 79th in Tigard.

Dear council members,

We are planning to build a home on a lot created through a minor land partition, MLP2004-00003.

The easterly 15' includes a sewer easement benefiting unified sewerage agency, recorded 1973. We are seeking a vacate of the easterly 5' of that easement to increase the footage available to construction.

The 8" sewer line located within the easement will be replaced/upgraded to ductile iron or C900 pvc as approved by city of Tigard engineering.

A map, easement exhibit, and discription of the parcel are attached.



**Sam Martindale****503-684-7297**

**To:** Morgan Tracy  
**Subject:** FW: Easement Vacation

City of Tigard City Hall  
13125 SW Hall Blvd  
Tigard, Or. 97223  
attn: Planning - Morgan Tracy  
re: Agreement to jointly participate in easement vacate.

I Sam Martindale agree to jointly participate in application for public easement vacate.

Participants are:

Dr. Kamelia Massih  
Sam Martindale

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-

A RESOLUTION INITIATING VACATION PROCEEDINGS FOR A PUBLIC SEWER UTILITY EASEMENT OF APPROXIMATELY 1,248 SQUARE FEET LOCATED AT SW FREWING STREET @ SW PACIFIC HIGHWAY (VAC2004-00002).

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WHEREAS, the public sewer utility easement of approximately 1,248 square feet had previously been dedicated to the public; and

WHEREAS, the applicant has requested that the City of Tigard initiate vacation proceedings to vacate the 1,248 square foot sewer utility easement in exchange for a relocated sewer easement and reconstructed sewer line, as described and shown in Exhibits "A" and "B"; and

WHEREAS, the said sewer utility easement, or portions thereof, are not necessary to advance the public health, safety or welfare, in consideration of realigned easement and reconstructed sewer line using modern materials; and

WHEREAS, the Tigard City Council finds it appropriate to initiate vacation proceedings for the requested public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council hereby initiates a request for the vacation of an approximately 1,248 square foot sewer utility easement in exchange for a relocated sewer easement and reconstructed sewer line, as described and shown in **Exhibits "A" and "B"** and by reference, made a part hereof.

SECTION 2: A public hearing is hereby called to be held by the City Council on February 8, 2005 at 7:30 PM in the Town Hall at Tigard City Hall, 13125 SW Hall Boulevard, within the City of Tigard, at which time and place the Council will hear any objections thereto and any interested person may appear and be heard for or against the proposed vacation of said public utility easements.

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

\_\_\_\_\_  
City Recorder - City of Tigard



LEGAL DESCRIPTION  
VACATE SANITARY SEWER EASEMENT  
MASSIH PROPERTY

The following described real property situated in the State of Oregon, County of Washington, City of Tigard being a portion of Lot 21, Frewing Orchard Tracts, situated in the Northwest quarter of Section 21, Township 2 South, Range 1 West of the Willamette Meridian;

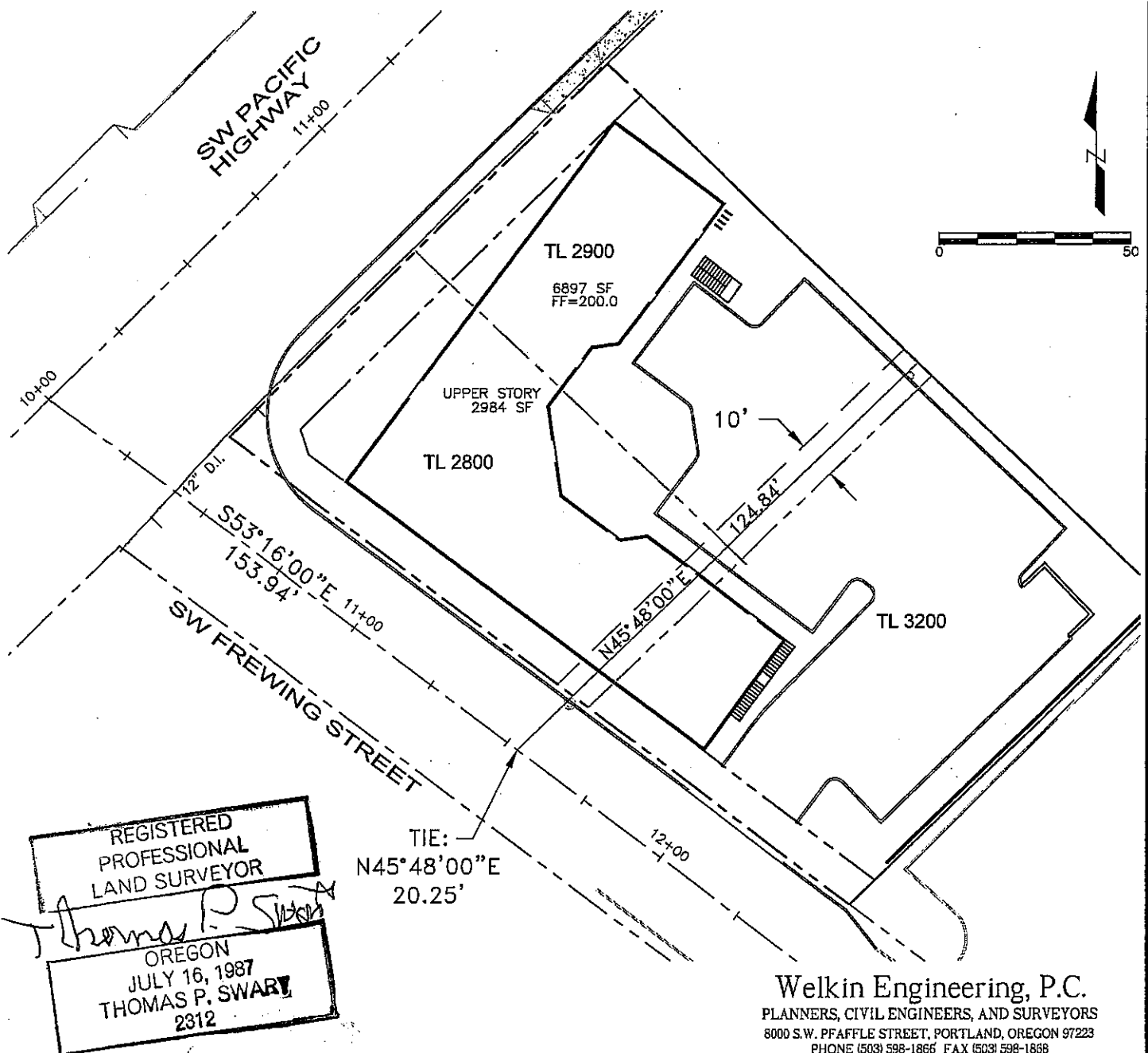
An easement for sanitary sewer, 10.00 feet in width, the center of which is described as follows; Beginning at a 5/8" iron bar marked "O.D.O.T" in the centerline of Pacific Highway and running thence North 45° 39' 01" East along said centerline a distance of 205.24 feet to it's intersection with the centerline of S.W. Frewing Street; Thence South 53° 16' 00" East along said centerline a distance of 153.94 feet; Thence North 45° 48' 00" East a distance of 20.25 feet to the true point of beginning of the tract herein described; Thence North 45° 48' 00" East, a distance of 124.84 feet to the end of this easement.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Thomas P. Swart*

OREGON  
JULY 16, 1987  
THOMAS P. SWART  
2312

VACATED SANITARY SEWER EASEMENT EXHIBIT  
PACIFIC PARK PLAZA  
SW FREWING STREET  
SCALE: 1"=40'



CITY OF TIGARD, OREGON

RESOLUTION NO. 05-

A RESOLUTION INITIATING VACATION PROCEEDINGS FOR A PUBLIC SEWER UTILITY EASEMENT OF APPROXIMATELY 476 SQUARE FEET LOCATED AT SW PFAFFLE STREET @ SW 79<sup>th</sup> AVENUE (VAC2004-00002).

---

WHEREAS, the public sewer utility easement of approximately 1,429 square feet had previously been dedicated to the public; and

WHEREAS, the applicants have requested that the City of Tigard initiate vacation proceedings to vacate a 476 square foot portion of the 1,429 square foot sewer utility easement by reducing its width to the City's minimum standard of 10 feet from its present 15 foot width, as described and shown in Exhibits "C" and "D"; and

WHEREAS, the said sewer utility easement, or portions thereof, are not necessary to advance the public health, safety or welfare, in consideration of realigned easement and reconstructed sewer line using modern materials; and

WHEREAS, the Tigard City Council finds it appropriate to initiate vacation proceedings for the requested public utility easement.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council hereby initiates a request for the vacation of an approximately 476 square foot portion of a 1,429 square foot sewer utility easement by reducing its width to the City's minimum standard of 10 feet from its present 15 foot width, as described and shown in **Exhibits "C" and "D"** and by reference, made a part hereof.

SECTION 2: A public hearing is hereby called to be held by the City Council on February 8, 2005 at 7:30 PM in the Town Hall at Tigard City Hall, 13125 SW Hall Boulevard, within the City of Tigard, at which time and place the Council will hear any objections thereto and any interested person may appear and be heard for or against the proposed vacation of said public utility easements.

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

\_\_\_\_\_  
City Recorder - City of Tigard

**EXHIBIT C**

**ZTec Engineers, Inc.**  
**Civil ♦ Structural ♦ Surveying**

John McL. Middleton P.E.

Chris Fischborn P.L.S.

Ronald b. Sellards P.E.

3737 SE 8<sup>th</sup> Avenue  
Portland, Oregon 97202  
503-235-8795 – Fax 503-233-7889  
Email: chris@ztecengineers.com

October 21, 2004

**VACATION OF A 5 FEET WIDE PORTION OF A SEWER EASEMENT**

A parcel of land, being a part of Lot 14 of the recorded Plat of Friendly Acres, located in the Southwest one-quarter of Section 36, Township 1 South, Range 1 West, of the Willamette Meridian, in the City of Tigard, Washington County, Oregon. Said parcel of land also being the Easterly 5.00 feet of a 15.00 foot wide Sewer Easement, benefiting the United Sewerage Agency and recorded in May of 1973 in Book 923, Page 540, Washington County deed records, and more particularly described as follows:

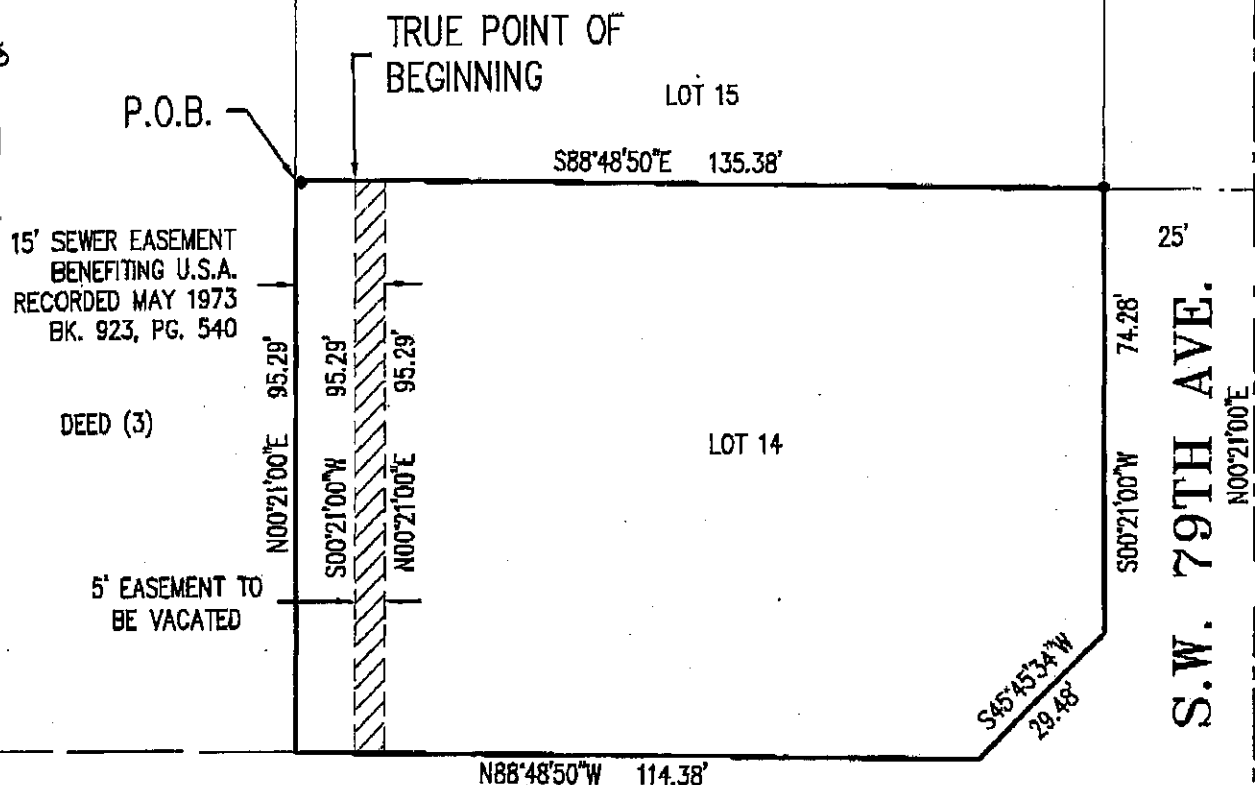
Beginning at the Northwest corner of said Lot 14, thence South 88°48'50" East, along the Northerly line of said Lot 14 to a point that is 10.00 feet Easterly of when measured at right angles to the Westerly line of said Lot 14, said point being the true point of beginning of the parcel of land herein described.

Thence South 00°21'00" West, parallel with and 10.00 feet Easterly of said Westerly line a distance of 95.29 feet to a point on the Northerly right of way line of said SW Pfaffle Street ( Washington County Road No. 975 ); thence South 88°48'50" East along said Northerly right of way line a distance of 5.00 feet to a point that is 15.00 feet Easterly of when measured at right angles to the Westerly line of said lot 14; thence North 00°21'00" East, parallel with the Westerly line of said Lot 14, a distance of 95.29 feet, to a point on the Northerly line of said Lot 14; thence North 88°48'50" West along said Northerly line a distance of 5.00 feet to the true point of beginning.

Said Easement area contains an area of 476.45 square feet more or less.

EXHIBIT D

"FRIENDLY ACRES"



S.W. PFAFFLE STREET  
(CO. RD. NO. 975)

GRAPHIC SCALE



( IN FEET )

1 inch = 30 ft.

TITLE: **EASEMENT EXHIBIT**

DATE: 10-21-04

PLOT DATE: 10-21-04

DWG BY: JHH

CHK BY: JM

SHEET: 1 OF 1

FILE: L31791EXH

**ZTec ENGINEERS, INC.**

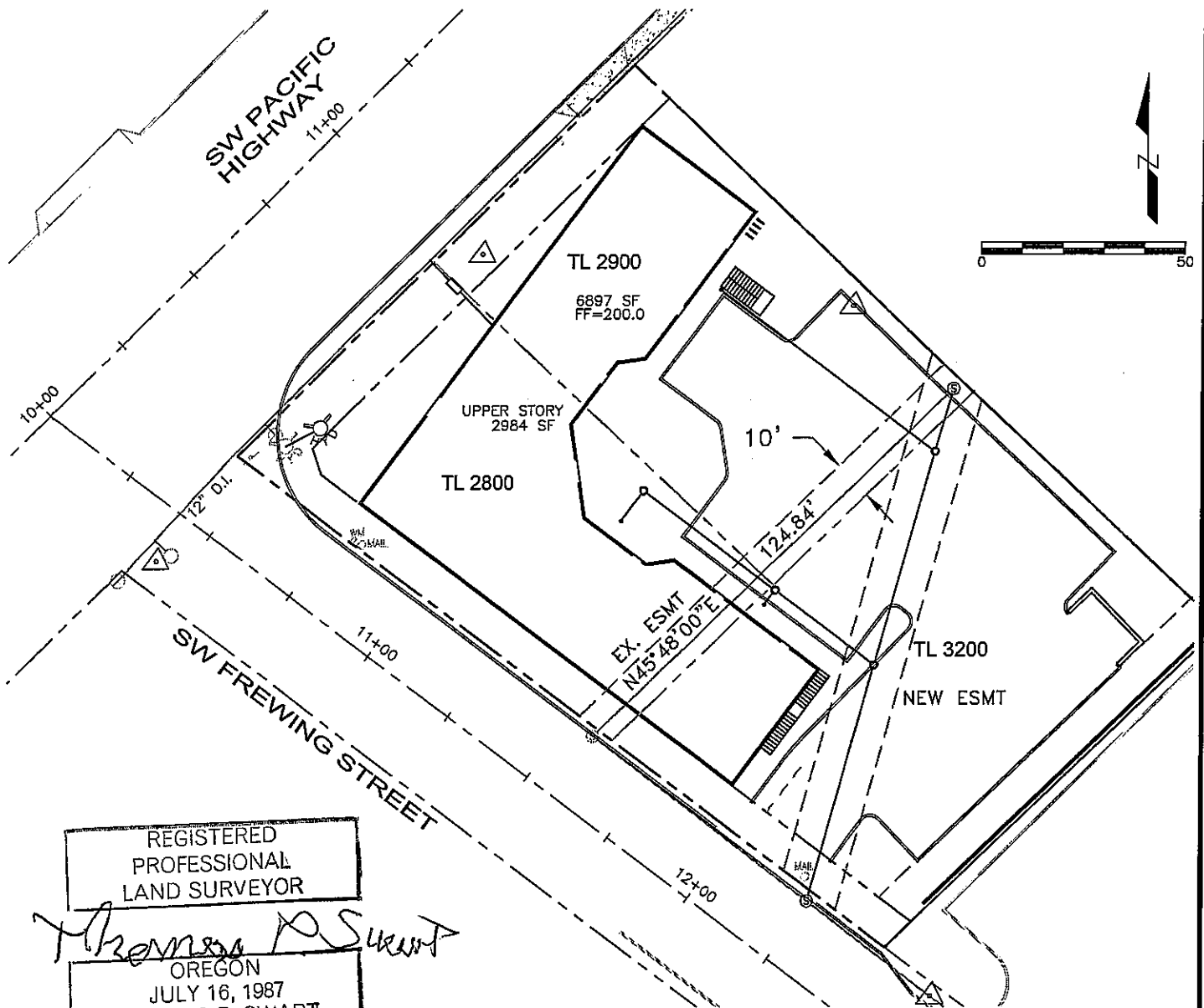
3737 S.E. 8TH AVE.  
PORTLAND, OREGON 97202  
(503) 235-8795

CLIENT: CONTROL CONTRACTORS *Sam Martindale*

\*\* TOTAL PAGE.003 \*\*

VACATED SANITARY SEWER EASEMENT EXHIBIT  
 PACIFIC PARK PLAZA  
 SW FREWING STREET  
 SCALE: 1"=40'

EASEMENT  
 DEDICATION  
 AGREEMENT (MASSIH)



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

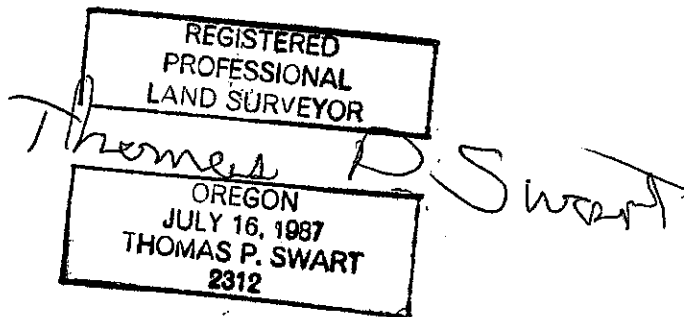
OREGON  
 JULY 16, 1987  
 THOMAS P. SWART  
 2312

Welkin Engineering, P.C.  
 PLANNERS, CIVIL ENGINEERS, AND SURVEYORS  
 8000 S.W. PFAFFLE STREET, PORTLAND, OREGON 97223  
 PHONE (503) 598-1866 FAX (503) 598-1865

LEGAL DESCRIPTION  
VACATE SANITARY SEWER EASEMENT  
MASSIH PROPERTY

The following described real property situated in the State of Oregon, County of Washington, City of Tigard being a portion of Lot 21, Frewing Orchard Tracts, situated in the Northwest quarter of Section 2, Township 2 South, Range 1 West of the Willamette Meridian;

An easement for sanitary sewer, 10.00 feet in width, the center of which is described as follows; Beginning at a 5/8" iron bar marked "O.D.O.T" in the centerline of Pacific Highway and running thence North 45° 39' 01" East along said centerline a distance of 205.24 feet to it's intersection with the centerline of S.W. Frewing Street; Thence South 53° 16' 00" East along said centerline a distance of 153.94 feet; Thence North 45° 48' 00" East a distance of 20.25 feet to the true point of beginning of the tract herein described; Thence North 45° 48' 00" East, a distance of 124.84 feet to the end of this easement.



AGENDA ITEM # 5.4  
FOR AGENDA OF January 11, 2005

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Intergovernmental Agreements for the Bridgeport Village Development Project

PREPARED BY: Kim McMillan *KSM* DEPT HEAD OK *af Duenen* CITY MGR OK *SUM for MAM*

ISSUE BEFORE THE COUNCIL

Shall City Council enter into Intergovernmental Agreements (IGAs) with City of Tualatin, Washington County & ODOT for provisions of water, sanitary sewer, storm drainage and public roads on the Bridgeport Village Development project?

STAFF RECOMMENDATION

That City Council approves, by motion, the attached IGA documents accepting the joint maintenance of the utilities and roads and authorizes the City Manager to execute the documents.

INFORMATION SUMMARY

As a part of the Bridgeport Village project, there is a need to establish the shared maintenance of the public improvements. The Bridgeport Village development is largely located within the City of Tualatin limits, with a smaller portion located within the City of Tigard. The entire development is served by sanitary sewer, storm sewer and water lines that cross over the city limit lines of the two jurisdictions. Attachment 2 (listed below) specifies the utilities provided by each jurisdiction to the specific buildings within the development. Attachment 1 specifies the streets that will be maintained by each jurisdiction. The City of Tigard will control and maintain SW 72<sup>nd</sup> Avenue north of the City limit line, including the traffic signal at the entrance to the north park and ride lot.

The improvements are currently underway and will soon be completed. The IGAs are needed in order to establish each jurisdiction's responsibilities after completion of the project.

OTHER ALTERNATIVES CONSIDERED

Not applicable

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable

ATTACHMENT LIST

- 1) Construction Management/Maintenance Agreement: SW 72<sup>nd</sup> Avenue, Lower Boones Ferry Road and SW Bridgeport Road.



- 2) Intergovernmental Agreement between City of Tigard and City of Tualatin: For provisions of water, sanitary sewer and storm drainage services to Bridgeport Village.

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#### FISCAL NOTES

No cost at this time. There will be street and signal maintenance responsibilities for the realigned segment of SW 72<sup>nd</sup> Avenue within the City's jurisdiction after completion of the project.

REVISED DRAFT: 24 November, 2004

Misc. Contracts & Agreements  
No. 21,894

# CONSTRUCTION MANAGEMENT/MAINTENANCE AGREEMENT

SW 72<sup>nd</sup> Avenue, Lower Boones Ferry Road, and SW Bridgeport Road  
Washington County  
City of Tualatin  
City of Tigard

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, by and through its Department of Transportation, hereinafter referred to as "ODOT"; WASHINGTON COUNTY, acting by and through its Board of Commissioners, hereinafter referred to as "COUNTY"; the CITY OF TUALATIN, a political subdivision of the State of Oregon, acting by and through its City Council, hereinafter referred to as "TUALATIN"; and the CITY OF TIGARD, a political subdivision of the State of Oregon, acting by and through its City Council, hereinafter referred to as "TIGARD".

## RECITALS

1. Portions of SW Lower Boones Ferry Road are a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission. Pacific Highway (Interstate 5, I-5) is also a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission. SW Bridgeport Road and a portion of SW 72<sup>nd</sup> Avenue are County roads under the jurisdiction and control of the COUNTY. A portion of SW 72<sup>nd</sup> Avenue is a city street under the jurisdiction and control of the City of Tigard. SW 65<sup>th</sup>/McEwan is a city street under the jurisdiction and control of the City of Tualatin.
2. By the authority granted in ORS 190.110, 366.572 and 366.576, ODOT may enter into cooperative agreements with the counties, cities, and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. By the authority granted in ORS 810.210, ODOT is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where ODOT deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any state highway by any authority other than ODOT, except with its written approval. Traffic signal work on this Project will conform to the current ODOT standards and specifications.
4. ODOT and COUNTY entered into a Property Transfer Agreement No. 20860 dated March 12, 2004 for the purpose of transferring certain ODOT surplus property and operating right of way as ODOT's contribution toward the County's

roadway improvement project in support of a new development called Bridgeport Village; hereinafter referred to as "Project".

5. ODOT, COUNTY, and TUALATIN entered into Preliminary Engineering and Construction Finance Agreement No. 7931 dated May 15, 1984 for the purpose of installing and identifying maintenance and power costs associated with the traffic signals on Lower Boones Ferry Road at the intersections of SW Bridgeport/72<sup>nd</sup> Avenue, I-5 north and south bound ramps, and SW Meridian which has since been renamed as SW 65<sup>th</sup>/McEwan. This Agreement No. 21,894 shall supercede said previous agreement in the area of maintenance and power of said signals.

**NOW, THEREFORE**, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

### ***TERMS OF AGREEMENT***

1. The purpose of this agreement is to memorialize certain obligations surrounding the construction and maintenance of the COUNTY's Project. The Project includes: reconstruction of the SW Lower Boones Ferry Road/SW Bridgeport Road/SW 72<sup>nd</sup> Avenue intersection and realignment of both SW 72<sup>nd</sup> Avenue and SW Lower Boones Ferry Road to accommodate the new intersection. The project also includes removal and replacement of the traffic signal at the SW Lower Boones Ferry Road/SW Bridgeport Road/SW 72<sup>nd</sup> Avenue intersection; drainage work, illumination, and landscaping. The Project limits and jurisdictional information is approximately as shown on the map attached hereto, marked Exhibit A, and by this reference made a part hereof.
2. The Project is being constructed by the COUNTY and is being financed with funds available to the COUNTY. Project costs for work to be performed within ODOT right of way is estimated at \$4,500,000.
3. This Agreement shall become effective on the date all required signatures are obtained and shall remain in effect for the purpose of ongoing maintenance responsibilities for the useful life of the facilities constructed as part of the Project. The Project shall be completed within 1 calendar year following the date of final execution of this Agreement by all parties

### ***ODOT OBLIGATIONS***

1. ODOT hereby grants the COUNTY and TUALATIN the right to enter onto ODOT right of way for the purpose of Project construction and maintenance.
2. ODOT's District 2A Office has issued a permit to the COUNTY and/or its Developer to "Occupy and Perform Operations on a State Highway".

3. ODOT shall continue to own the four interconnected traffic signals (and associated illumination) on Lower Boones Ferry Road at SW McEwan/65<sup>th</sup>, SW Bridgeport Road/SW 72<sup>nd</sup>, and at the northbound and southbound on/off ramps to I-5. ODOT will provide maintenance and power for the traffic signals at the northbound and southbound on/off ramps to I-5 and at SW McEwan/65<sup>th</sup> and shall bill Tualatin for the power costs for the traffic signal at the intersection of SW McEwan/65<sup>th</sup>. ODOT shall be responsible for all costs for the traffic signals at the I-5 on and off ramps and the COUNTY shall be responsible for maintenance and power for the signal at SW Bridgeport/SW 72<sup>nd</sup> Avenue. ODOT shall maintain complete control of the timing for all four signals and shall consider TUALATIN and COUNTY input for said timing plans.
4. ODOT shall maintain all Project improvements within ODOT right of way limits including, all pavement, signing, striping, signals, and illumination, with the exception of landscaping and irrigation which shall be the TUALATIN's responsibility and further addressed under TUALATIN OBLIGATIONS; and with the exception of that portion of the realigned Lower Boones Ferry Road (from its intersection with SW 72<sup>nd</sup> Avenue/Bridgeport Road southerly to County's existing line of ownership) which will remain owned by ODOT but shall be the COUNTY'S responsibility to maintain as further described under COUNTY OBLIGATIONS. Ownership and permitting authority for said portion of Lower Boones Ferry Road shall remain an ODOT responsibility. The abandoned portion of Lower Boones Ferry Road reverts to ODOT and shall remain ODOT's maintenance responsibility.
5. In exchange for the paving of the on ramps to I-5 as part of this Project and at Project expense, ODOT shall perform all COUNTY construction inspection services for the Project up to an amount not to exceed \$70,000. If ODOT's inspection services on behalf of the COUNTY exceed \$70,000, ODOT shall keep an accurate accounting of said costs and submit monthly billings to COUNTY for reimbursement. All inspection performed on ODOT's facilities shall be performed by ODOT at ODOT's expense and at no expense to the Project.

#### **COUNTY OBLIGATIONS**

1. COUNTY shall, as agreed to in Agreement No. 20860 and at its own expense, continue to assume complete maintenance and operation responsibilities for the newly constructed section of Lower Boones Ferry Road from its intersection with SW Bridgeport/SW 72<sup>nd</sup> (northerly curblin) to the Washington County limits (MP 290.28, AQ Lower Boones Ferry Rd connection # 1) at the frontage road area including but not limited to all roadway, curb and sidewalk, retaining or sound walls, traffic signal, illumination, storm and sewer facilities and landscaped medians. ODOT shall continue to retain roadway ownership and permitting rights for this section of roadway for access control purposes.

2. COUNTY shall continue to be responsible for jurisdiction, maintenance and control of SW 72<sup>nd</sup> Avenue from the southerly curblin of its intersection with the traffic signal at the Park and Ride lot southward to the northerly curblin at the intersection of SW Bridgeport/Lower Boones Ferry Road.
3. The COUNTY has obtained a permit to "Occupy or Perform Operations upon a State Highway" from ODOT's District 2A Office. The COUNTY, its contractors, subcontractors, Developer or consultants performing Project work shall comply with all provisions of said permit.
4. COUNTY shall, upon receipt of ODOT's billings, reimburse ODOT quarterly for 100% of all power costs incurred for the traffic signal and associated illumination at the intersection of SW Lower Boones Ferry Road/SW 72<sup>nd</sup> Avenue/SW Bridgeport Road. Maintenance (with the exception of timing) for said signal shall be performed by the COUNTY at its own expense.
5. COUNTY shall, upon receipt of ODOT's billings, reimburse ODOT for any inspection services costs of COUNTY facilities in excess of \$70,000. Said reimbursement shall occur within 30 days of receipt of ODOT's billing.
6. COUNTY shall, upon completion of the Project and at its own expense, maintain the pavement surrounding the vehicle detector loops installed in the COUNTY roads of the SW Lower Boones Ferry Road/SW 72<sup>nd</sup> Avenue/SW Bridgeport Road intersection in such a manner as to provide adequate protection for said detector loops. If for any reason, said detector loops become damaged due to any fault of the COUNTY's, ODOT may require the COUNTY to repair or replace said loops at COUNTY expense.
7. COUNTY shall authorize execution of this agreement during a regularly convened session of its Board of Commissioners.

#### ***TUALATIN OBLIGATIONS***

1. TUALATIN shall, at its own expense, maintain landscaping and leaf removal including irrigation on ODOT, COUNTY and TUALATIN jurisdictions as shown on Exhibit A. Water and power for irrigation during and after establishment period will be at TUALATIN's own expense.
2. TUALATIN shall, upon receipt of ODOT's billings, reimburse ODOT quarterly for 100% of all power costs incurred for the traffic signal and associated illumination at the intersection of SW Lower Boones Ferry Road and SW McEwan/65th.
3. TUALATIN shall, upon completion of the Project and at its own expense, maintain the pavement surrounding the vehicle detector loops installed in the City streets of the SW Lower Boones Ferry Road and SW McEwan/65th intersection in such a manner as to provide adequate protection for said detector loops. If for any

reason, said detector loops become damaged due to any fault of TUALATIN's, ODOT may require the TUALATIN to repair or replace said loops at TUALATIN expense.

4. TUALATIN shall adopt an ordinance authorizing its designated city officials to enter into and execute this agreement.

### ***TIGARD OBLIGATIONS***

1. TIGARD agrees to continue be fully responsible for all jurisdiction, control; and maintenance of that portion of SW 72<sup>nd</sup> Avenue (within the Project limits) from its intersection with SW Durham Road to the southerly curblin of the intersection with the north park and ride lot including the traffic signal at the entrance to the north park and ride lot.

### ***GENERAL OBLIGATIONS***

2. ODOT, COUNTY, TUALATIN, and TIGARD shall, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, indemnify, defend, save, and hold harmless the other party(s) and its members, its officers and its employees from all claims, suits, and liabilities which may occur in the performance of this Agreement by the respective indemnifying party.
3. Notwithstanding the foregoing defense obligations under paragraph 2 above, no party to this Agreement nor any attorney engaged by any party to this Agreement shall defend any claim in the name of the other party(s) or any agency/department/division of such other party(s), nor purport to act as legal representative of the other party(s) or any of its agencies/departments/divisions, without the prior written consent of the legal counsel of such other party(s). Each party may, at anytime at its election assume its own defense and settlement in the event that it determines that the other party(s) is prohibited from defending it, or that other party(s) is not adequately defending its interests, or that an important governmental principle is at issue or that it is in the best interests of the party(s) to do so. Each party reserves all rights to pursue any claims it may have against the other if it elects to assume its own defense.
4. This Agreement may be terminated by mutual written consent of all parties to this Agreement.
5. ODOT, COUNTY, TUALATIN, and/or TIGARD may terminate this Agreement effective upon delivery of written notice to the other parties to this Agreement or at such later date as may be established by any party to this Agreement, under any of the following conditions:
  - a. If any party fails to provide services called for by this Agreement within the time specified herein or any extension thereof.

- b. If any party fails to perform any of the other provisions of this Agreement or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from ODOT or another party fails to correct such failures within thirty (30) calendar days or such longer period as ODOT or the other parties may authorize.
- d. If Federal or State laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited.
- 6. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
- 7. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either party to enforce any provision of this Agreement shall not constitute a waiver by either party of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

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The Oregon Transportation Commission approved this project on \_\_\_\_\_ and authorized the \_\_\_\_\_ to execute the agreement. Said authority is recorded in the Commission minutes.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals  
as of the day and year hereinafter written.

**RECOMMENDED APPROVAL**

By \_\_\_\_\_  
District 2A Manager

Date \_\_\_\_\_

By \_\_\_\_\_  
Tech Services Mgr./Chief Engineer

Date \_\_\_\_\_

**CITY OF TUALATIN,**  
By and through its City Council

By \_\_\_\_\_  
Mayor

Date \_\_\_\_\_

**APPROVED AS TO  
LEGAL SUFFICIENCY:**

By \_\_\_\_\_  
Asst. Attorney Gen.

Date \_\_\_\_\_

By \_\_\_\_\_  
County Attorney

Date \_\_\_\_\_

**STATE OF OREGON,**  
by and through its  
Department of Transportation

By \_\_\_\_\_  
Region 1 Manager

Date \_\_\_\_\_

**WASHINGTON COUNTY**  
by and through its Board of  
Commissioners

By \_\_\_\_\_  
Chair

Date \_\_\_\_\_

**CITY OF TIGARD,**  
By and through its City Council

By \_\_\_\_\_  
Mayor

Date \_\_\_\_\_



INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
CITY OF TIGARD AND CITY OF TUALATIN  
For provisions of water, sanitary sewer and  
storm drainage services to Bridgeport Village

RECITALS

1. This intergovernmental agreement, hereinafter "Agreement," is entered into on the last date shown on the signature page by the City of Tualatin, a municipal corporation of the State of Oregon, ("Tualatin"), and the City of Tigard, a municipal corporation of the State of Oregon, ("Tigard").
2. Tigard and Tualatin have the authority to enter into contracts for the cooperative operation of service facilities under ORS Chapter 190.
3. Tigard and Tualatin will establish and maintain an effective partnership for water and sanitary sewer services that this agreement is designed to support, enhance, and clarify.
4. The subject Durham Quarry property, which is currently being developed, includes approximately 21.43 acres within Tualatin and 7.16 acres within Tigard. If the property expands to areas outside of the original 28.59 acres, the terms and conditions of this agreement shall extend to all properties included within the development project.
5. On May 14, 2002, Tualatin, Tigard and Washington County entered into an Intergovernmental Agreement for the development of the Quarry Area and that agreement indicated that provisions of service would be done as part of the development.
6. Tigard and Tualatin both have road maintenance fees established for their respective jurisdictions.
7. Tigard and Tualatin both have water lines that are adjacent to the site.
8. Tigard and Tualatin both have sanitary sewer lines that are adjacent to the site.
9. Tigard has storm drainage lines adjacent to the site. Tualatin does not have storm drainage lines adjacent to the site.
10. Tigard and Tualatin both want to provide utility services in the most efficient way for each jurisdiction.

11. Tigard and Tualatin both agree that it is in the best interest that each building receive only one utility bill covering all services provided.

NOW, THEREFORE, in consideration of the covenants and agreements to be kept and performed by the parties, it is agreed as follows:

I. DEFINITION OF TERMS

Wherever the following terms are used in this agreement they shall have the following meaning unless otherwise specifically indicated by the context in which they appear:

- A. "Project" means the area set forth in the map attached as Exhibit A as may be amended.
- B. "City Manager" means the City official responsible for managing the day-to-day business affairs of the City.
- C. "Operation and Maintenance" means the regular performance of work required to assure continued functioning of the water and sanitary sewer systems and the corrective measures taken to repair facilities to keep them in operating condition and in compliance with the requirements of applicable laws, regulations, and permits.
- D. "Sanitary Sewer System" means any combination of sewer pipe, laterals, manholes, side sewers, and any other facilities for the collection and conveyance of sanitary sewage comprising the total publicly-owned Sanitary Sewer System within the project, to which storm, surface and ground waters are not intentionally admitted.
- E. "Water System" means any combination of water pipe, laterals, valves, and any other facilities for the conveyance of water comprising the total publicly-owned Water System within the project.
- F. "Storm Drainage System" means any combination of storm pipe, laterals, and any other facilities for the conveyance of storm water comprising the total publicly-owned Storm Drainage System within the project.

II. DELEGATION OF AUTHORITY

The purpose of this agreement is to delegate specific functions relating to the sanitary sewer, water and storm drainage systems. The responsibilities of Tigard and Tualatin are defined in this agreement. Exhibit A is a map showing the project and is made a part of Appendix A and incorporated into this agreement.

III. Division of Responsibilities

A. Sanitary Sewer System

1. Tualatin will provide sanitary sewer service to the following buildings A, B, C, D, E,

F, G, H, I, J, K, L, M, and Pads 2, 3, 4 and 5.

2. Tigard will provide sanitary sewer service to Pads 1, 6 and 7.

B. Water System

Tualatin will provide domestic water service and fire protection water supply to the following buildings A, B, C, D, E, F, G, H, I, J, K, L, M and Pads 1, 2, 3, 4, 5, 6 and 7.

C. Storm Drainage System

1. The on-site storm drainage system will be privately owned and maintained.
2. Clean Water Services will provide storm drainage connection point for the project in SW Findlay Road.
3. Tigard will provide a storm drainage connection point for the relocated Village Inn storm drainage system.

D. Public Street System

1. Washington County will maintain SW 72<sup>nd</sup> Avenue south of the Tigard/Tualatin City limit line, SW Bridgeport Road, and SW Lower Boones Ferry Road.
2. Tualatin will maintain the new public roadway entrance for the relocated Village and the north Park and Ride facility.
3. Tigard will maintain SW 72<sup>nd</sup> Avenue north of the Tigard/Tualatin City limit line.

B. Procedure for Modifying the Division of Responsibilities

1. Responsibilities defined in this Section and Appendix A may be modified from time-to-time with approval in writing by both the Tigard and Tualatin City Managers or the Managers' designees.

IV. Administrative and Operating Provisions

A. Sanitary Sewer System

1. Sanitary sewer services shall not be extended to areas outside the project area, as shown on Exhibit A, except with prior approval from both Tigard and Tualatin, and only where new development desires sanitary service and needs to directly connect a lateral or sanitary sewer line directly to an existing line within the project area.
2. Tualatin will maintain public sanitary sewer lines, as shown on Exhibit A, to Buildings A, B, C, D, E, F, G, H, I, J, K, L, M and Pads 2, 3, 4 and 5.

3. Tigard will maintain public sanitary sewer lines, as shown on Exhibit A, to Pads 1, 6 and 7.

B. Water System

1. Water services shall not be extended to areas outside the project area, as shown on Exhibit A, except with prior approval from both Tigard and Tualatin, and only where new development desires water service and needs to directly connect a lateral or public water line directly to an existing line within the project.
2. Tualatin will maintain public water services, as shown on Exhibit A, to Buildings A, B, C, D, E, F, G, H, I, J, K, L, M and Pads 1, 2, 3, 4, 5, 6 and 7.

C. Storm Drainage

1. Storm drainage services shall not be extended to areas outside the area of geographic responsibility, as shown on Exhibit A, except with prior approval from both Tigard and Tualatin, and only where new development desires storm drainage service and needs to directly connect a lateral or storm drainage line directly to an existing public line within the area of geographic responsibility.
2. On-site storm drainage lines will be owned and maintained by the property owner.

V. Operating Procedures Relating to Revenue

A. Road Maintenance and Storm Drainage Fees

1. Tualatin will collect the road maintenance and storm drainage fees for all buildings located on the project.

B. Utility Billing

1. Tualatin will institute administrative procedures to diligently maintain regular billings and collection of fees, adjust billing complaints, pursue delinquency follow-ups and take reasonable steps for collection of bills and fees.
2. Tualatin will provide to Tigard information regarding the Equivalent Service Unit (ESU) calculation from the building permits, to be used for storm drainage fees for the Buildings J, K and L and Pads 1 and 5.
3. Tualatin will collect the utility billings from the buildings located in the project area and will quarterly/monthly provide reimbursement of the road maintenance and storm drainage fees to Tigard for buildings J, K and L and Pads 1 and 5, and the sanitary sewer fees collected from Pads 1, 6 and 7.
4. If review or approval of a fee or charge for road utility fees or storm drainage fees are

necessary, Tigard shall provide 30 days notice before the date the fee or charge increase, at which time Tualatin will incorporate the changes into the next utility billing. (Or yearly on a set date?)

5. When review or approval of a fee or charge for the sanitary sewer system or water system is necessary, Tigard shall perform such review in a timely manner, shall not unreasonably withhold approval, and shall provide its decision to Tualatin in writing. If, within 30 days of written request by Tualatin for approval by Tigard, Tigard has failed to provide a written response, the request shall be deemed approved.

#### C. System Development Charges (SDC's)

1. Tualatin will collect the system development charges for all buildings located in the project area, and reimbursement of the SDC's owed to Tigard will be provided on a quarterly basis.

2. .

#### VI. Dispute Resolution

In case of a dispute over the provisions of this Agreement, the Tualatin and Tigard staff for each entity will immediately refer the dispute to the respective managers to resolve the dispute.

#### VII. COMPLIANCE WITH LAWS

Each party shall comply with all applicable federal, state and local ordinances, statutes, and regulations that are applicable to the services provided under this Agreement.

#### VIII. HOLD HARMLESS

- A. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnity's performance of this Agreement where the loss or claim is attributable to the negligent acts of omissions of that party.
- B. Nothing in this Agreement shall be construed as a limitation upon or delegation of the statutory and home rule powers of Tigard, nor as a delegation or limitation of the statutory and home rule powers of Tualatin. This Agreement shall not limit any right or remedy available to Tualatin or Tigard against third parties arising from illegal acts of such third parties.

#### IX. AMENDMENTS TO AGREEMENT

Amendments to this agreement may be made if additional buildings are constructed beyond

those shown on the attached site plan, or changes to the service provider are necessitated by unforeseen events. If amendments to this agreement are necessary, the City Engineer for Tualatin and the Public Works Director for Tigard may amend this agreement to include new buildings or to make changes to the services provided.

X. ModificationS

Modifications or amendments to this Agreement are valid only if made in writing and signed by all parties. This writing is intended as the final expression of the agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Intergovernmental Agreement on the date set below their signature.

CITY OF TIGARD, OREGON

CITY OF TUALATIN, OREGON

By:

Mayor

By:

Mayor

Date:

Date:

Attest:

City Recorder

Attest:

City Recorder

Date:

Date:

City Attorney

City Attorney

Date:

Date:

AGENDA ITEM # 6  
FOR AGENDA OF January 11, 2005

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Formally Recognizing the Tigard Youth Advisory Council.

PREPARED BY: Liz Newton DEPT HEAD OK EAM/RWM CITY MGR OK EAM/RWM

ISSUE BEFORE THE COUNCIL

Consideration of a Resolution to formally recognize the Tigard Youth Advisory Council as the official body to advise the City Council on ways to empower and involve youth in the Tigard community.

STAFF RECOMMENDATION

Adopt the Resolution formally recognizing the Tigard Youth Advisory Council.

INFORMATION SUMMARY

The Tigard Youth Advisory Council was formed in 2003 as an extension of the Mayor's Youth Forum. The Youth Advisory Council has adopted bylaws and been involved in many community events and service projects over the last 18 months. Members of the Youth Advisory Council also serve as ex-officio members of several City Boards and Committees.

The mission of the Tigard Youth Advisory Council is "To empower, improve and connect the lives of Tigard's Youth." Approval of the attached Resolution would formally recognize the Tigard Youth Advisory Council as the official body to advise the City Council on ways to empower and involve Tigard's youth.

OTHER ALTERNATIVES CONSIDERED

Take no action.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution  
The Tigard Youth Advisory Council Bylaws

FISCAL NOTES

None associated with this action.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-\_\_\_\_\_

A RESOLUTION FORMALLY RECOGNIZING THE TIGARD YOUTH ADVISORY COUNCIL AS THE OFFICIAL BODY TO ADVISE THE CITY COUNCIL ON WAYS TO EMPOWER AND INVOLVE YOUTH IN THE TIGARD COMMUNITY.

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WHEREAS, the Tigard Youth Advisory Council was formed in June 2003 as an extension of the Mayor's Youth Forum; and

WHEREAS, the Tigard City Council recognizes the unique perspective and the importance of involving youth as equal partners in the community; and

WHEREAS, the Youth Advisory Council adopted bylaws in October 2003; and

WHEREAS, the mission of the Tigard Youth Advisory Council is "To Empower, Improve and Connect the Lives of Tigard's Youth"; and

WHEREAS, the Youth Advisory Council members have taken an active role in community events and service projects over the past 18 months; and

WHEREAS, Youth Advisory Council members serve as ex-officio members of many City Boards and Committees.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Youth Advisory Council is hereby recognized as the official body to advise the City Council on ways to empower and involve youth in the Tigard community.

SECTION 2: The President or designee of the Youth Advisory Council shall serve as an ex-officio member of the City Council.

SECTION 3: The Tigard Youth Advisory Council shall operate under the bylaws adopted and amended by the Youth Advisory Council.

PASSED: This \_\_\_\_ day of \_\_\_\_\_ 2005.

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Mayor – City of Tigard

ATTEST:

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City Recorder - City of Tigard

RESOLUTION NO. 05-\_\_\_\_\_



## Tigard Youth Advisory Council



**Vision:** The youth of Tigard will be equal partners empowered and involved in the community helping the youth in Tigard.

**Mission:** To empower, improve and connect the lives of Tigard's youth.

### **Guiding Principles:**

- Through empowerment young people know they are valued by the adults in their community.
- Through involvement, young people serve useful roles in their school, family and community.
- Through volunteering, young people provide service to others in the community.
- Through respect, young people feel safe in their community.

### **Bylaws:**

The Youth Advisory Council shall consist of 30 members. Any youth who is in grade 6 -12 and a Tigard resident is eligible for membership. Any vacancies left after the normal application process should be filled as soon as possible through the announcement of openings. The Youth Advisory Council will maintain relations with local businesses and organizations with a common interest in the Youth Advisory Council. Council members may attend meetings of these groups to serve as a resource to the community. Any member of the Youth Advisory Council may propose an amendment to the Bylaws at any regular meeting of the Youth Advisory Council. The amendment shall be voted on by the members present but requires a vote of  $\frac{3}{4}$  of the total membership to pass.

### **Structure and responsibilities of the Tigard Youth Advisory Council:**

#### **A. Officers:**

There shall be four (4) elected officers, the President, Vice President, Treasurer, and Secretary. Terms are for one year. No officer shall serve more than 2 consecutive terms. Candidates for elected office must be members of the Youth Advisory Council and are elected by majority vote of the membership. Members may only hold one elected office at a time. All officers must also serve as meeting coordinators. Each candidate for elected office must make a brief speech to the full membership prior to the election of officers even if running unopposed. Speeches shall run less than 5 minutes each and shall include information about the candidates' background, interests, and how their goals for the Tigard Youth Advisory Council relate to the Tigard Youth Advisory Council's vision, mission, and goals. Elections shall be held at the first Youth Advisory Council meeting in September of each year.

#### **Duties of Elected Officers:**

*President* – The President shall be responsible for facilitating meetings and ensure the Council is working together toward its goals, mission, and vision. He/she is responsible for creating agendas based on current issues of the Council and topics from previous meetings.

*Vice President* – The Vice President shall assume the duties of the President, Secretary, and Treasurer in his/her absence. He/She is responsible for ensuring that Youth Advisory Council projects and programs are assigned to the appropriate subcommittee.

*Secretary* – The Secretary's duty is to take notes of the meetings and assist the President in setting the agenda. He/she is also responsible for distributing meeting agendas to members. He/she must have good note-taking and organizational skills.

*Treasurer* – The Treasurer's duty is to keep track of the Council's monetary assets. He/she reports on the Council's finances at each meeting and is in charge of fundraising.

### **Mid-Term Resignations**

In the event of the resignation of the President during his/her term, the Vice President shall assume the office of President. A special election shall be held at the next regular Youth Forum meeting to elect a new Vice President. In the event of the resignation of any other elected officers, a special election shall be held at the next regular meeting of the Youth Advisory Council following the effective date of the resignation. In the event of a resignation of any regular Youth Advisory member who is not an officer or committee chair, the Youth Advisory Council shall wait until the next annual recruitment of members to fill the vacancy.

### **B. Committees:**

Committees are organized based on the collective interests and talents of the members of the Youth Advisory Council and reflect the Council's vision, mission and goals. Committee appointments are for one year. Each committee consists of three subcommittees. Subcommittees are focused on a specific area of interest and are in charge of the Council's effort in that area. All committees and subcommittees are to serve as resources for the adults of the community whenever possible.

### **Selection of Committee Members**

When applying for membership to the Youth Advisory Council, applicants must select (at least) one committee to serve on. Committee members are selected by the Committee Chairs who will review the applicants and select members based on interests and talents.

**Committee Chairs** – Committee Chairs are responsible for the organization of their respective committees. They report to the Council about their committee's efforts. They also serve as meeting coordinators.

**Subcommittee Chairs** – Subcommittee chairs organize their respective subcommittees. They report to the Committee Chairs and Council about the projects of their respective committees. They also serve as meeting coordinators.

**Meeting Coordinators** – The Committee Chairs, Subcommittee Chairs and Elected Officers form the Meeting Coordinators Board. The role of the Meeting Coordinators is to ensure that meeting agendas accommodate the needs of each committee and subcommittee for speaking and presentation time. The Coordinators are responsible for ensuring that committees and subcommittees coordinate their activities when projects and programs overlap. The meeting Coordinators are responsible for setting annual goals for the Youth Advisory Council and developing and maintaining a Strategic Plan based on input from the general Youth Advisory Council membership and outreach to the youth of the community.

**Outreach Committee** – The Outreach Committee is responsible for community relations. It consists of the Education, Service, and Community Connection subcommittees.

**Education Subcommittee** – The Education Subcommittee is responsible for the Council's involvement in the schools. It serves as a resource to the school boards of both public and private schools. The Education Subcommittee works with the Community Connection Subcommittee to inform students about the Council.

**Community Connection Subcommittee** – The Community Connection Subcommittee is in charge of the Council's communication with the community. It is responsible for maintaining the Council's web page, newsletter column, flyers, and posters. The Community Connection Subcommittee is responsible for getting information about the events the Council is hosting out to the community.

**Service Subcommittee** – The Service Subcommittee organizes service projects for other subcommittees and the general Council. Areas of service for the Youth Advisory Council may include but are not limited to schools, the arts, athletics, the environment and parks. The Service Subcommittee may also organize its own projects as it deems fit.

**Recreation Committee** – The Recreation Committee's duty is to provide the youth of Tigard with extracurricular activities and try to ensure the survival of existing programs in the community.

**Arts Subcommittee** – The Arts Subcommittee oversees the Council's involvement in the area's arts programs. It organizes outreach events in the community and schools with local arts organizations.

**Athletics Subcommittee** – The Athletics Subcommittee oversees the Council's involvement in the area's athletics programs. It organizes community events and inter-school sporting events.

**Events Subcommittee** – The Events Subcommittee is in charge of coordinating the Youth Advisory Council events. It plans the events and works with the Community Connection Subcommittee to get information about the event out to the community. It also plans fundraisers and works with the treasurer to make sure the necessary amount of funds for an event are available.

#### **Membership on Community Boards and Committees**

**Mayor's Youth Forum** – The President and up to two Youth Advisory Council members shall serve as liaisons to the Mayor's Youth Forum. Members interested in serving as liaisons to the Youth Forum shall file interest applications with the Youth Advisory Executive Committee by the deadline set by the committee. The Executive Committee shall select the representatives based on criteria set by the Executive Committee in advance.

**Community Based Boards and Committees** – Youth Advisory Council members interested in serving on Community Boards and Committees (School Board, Tigard-Tualatin based non-profits) shall file interest applications with the Outreach Committee by the deadline set by the committee. The Outreach Committee shall select representatives based on criteria set by the specific Board or Committee.

**Election of Members:**

The term of membership to the Youth Advisory Council runs from initial election to membership through graduation from the 12<sup>th</sup> grade. Election for membership is held in September of each year.

Youth interested in membership shall file an application with the Youth Advisory Council. Applications shall be reviewed and admission voted on by the general membership of the Tigard Youth Council.

**Member Duties and Responsibilities:****a. Attendance:**

Members are expected to attend all meetings of the Youth Advisory Council and the meetings of any committees or subcommittees which they are a member. If a member needs to miss a meeting due to illness or another important event, the member is responsible to notify the President, Committee or Subcommittee Chair in advance whenever possible. Prior notice of an illness, important event, and family emergency shall constitute an excused absence. Members who have 3 absences will be removed from the Youth Advisory Council. Members are responsible to obtain notes and/or assignments from any general or committee meetings they miss.

**b. Duties:**

- Each member of the Youth Advisory Council shall serve on a minimum of one committee or subcommittee.
- Each member of the Youth Advisory Council is expected to conduct himself/herself in accordance with the following ground rules:
  - i. This Youth Advisory Council belongs to YOU and its success rests largely on YOU.
  - ii. Enter into the discussion ENTHUSIASTICALLY.
  - iii. GIVE FREELY of your experience.
  - iv. CONFINE your comments to the issue under discussion.
  - v. Say what you THINK.
  - vi. Only ONE PERSON should talk at a time (Avoid private conversations while someone else is speaking.)
  - vii. LISTEN ALERTLY to the discussion.
  - viii. BE PATIENT with other members.
  - ix. APPRECIATE the other person's point of view.
  - x. BE PROMPT and REGULAR in attendance.
  - xi. ASK A QUESTION when you have one.
  - xii. Think of how you can apply and/or pass along the information.
- Each member of the Youth Advisory Council must reaffirm the Council's Bylaws by signing a copy at the meeting in which election of Officers is held each year. New members whose membership begins mid-year must sign a copy of the Bylaws at the meeting at which they become members.

**c. Meetings:**

Regular meetings of the Tigard Youth Advisory Council shall be held at least monthly and more often as agreed to by a majority of the members. The meeting time and place shall be determined by consensus of the membership. One meeting each month shall be open to all youth in the community.

Committee and subcommittee meetings shall be held at least monthly, at a time and place agreed to by a consensus of the committee members.

**Training:**

The Youth Advisory Council shall identify training needs and the Meeting Coordinators shall determine how and when specific training will be provided based on the recommendations of the full membership.

**Service to the Community:**

Volunteer service shall be encouraged for Youth Advisory Council members.

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PRINT NAME

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Youth Advisory Council Member Signature

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Consider Expansion of the Committee for Citizen Involvement

PREPARED BY: Duane Roberts DEPT HEAD OK [Signature] CITY MGR OK Eam for WAM

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ISSUE BEFORE THE COUNCIL

Should Council adopt a resolution enlarging the Committee for Citizen Involvement to include representatives of all standing City committees and boards and also of future neighborhood organizations?

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STAFF RECOMMENDATION

Staff recommends Council adopt the resolution with any changes Council deems appropriate.

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INFORMATION SUMMARY

Oregon Statewide Planning Goal 1 requires jurisdictions to develop and include in their comprehensive plans "a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process". Since 1975, the City's primary citizen involvement organization has been the Committee for Citizen Involvement (CCI). The CCI is defined in the Comprehensive Plan as being composed of Citizen Involvement Team Facilitators and as having broad responsibility for evaluating the citizen involvement program.

Tigard's Citizen Involvement Program has evolved over the years to meet the needs of the City and interests of the citizens. After two years of CCI inactivity, in mid-2004 the City took steps to reactivate the CCI in order to carry out the Tigard Comprehensive Plan and to maintain Statewide Goal 1 compliance. To this end, efforts were made to contact all the former CCI facilitators. Of the original eleven members, five still resided in the City and wished to serve on a reactivated CCI. That number has since dropped to four participants who meet bi-monthly.

The CCI continues to play a role in maintaining Goal 1 compliance, but its purview has expanded to include the broad array of non-land use public involvement and communication issues. The current CCI members recognize that broad community representation and involvement is highly important. They support an idea to broaden their membership. In its recent discussions, Council has concurred with that approach. Adoption of the present resolution would expand the CCI to include representatives from the City's active boards and committees (Planning Commission, Tree Board, etc.). In the future, the reconstituted CCI also could include representatives of future neighborhood organizations, which the City also is in the process of re-establishing.

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OTHER ALTERNATIVES CONSIDERED

None considered.

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## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal # 1: Citizen involvement opportunities will be maximized by providing educational program on process, assuring accessibility to information in a variety of formats, providing opportunities for input on community issues and establishing and maintaining a program of effective two-way communication.

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### ATTACHMENT LIST

- Attachment 1: Memo to Council – A Short History of the Committee for Citizen Involvement.  
Attachment 2: Resolution Expanding the Membership of the Committee for Citizen Involvement to include Representatives from the City's Active Boards and Committees and from Future Neighborhood Planning Organizations.

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### FISCAL NOTES

Costs are expected to be minimal. Currently, the annual cost for the CCI is approximately \$100. Enlargement of the CCI would increase proportionally.




## MEMORANDUM

### CITY OF TIGARD

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TO: City Council

FROM: Jim Hendryx 

DATE: December 27, 2004

SUBJECT: A Short History of the Committee for Citizen Involvement

#### Background

Oregon Statewide Planning Goals and Guidelines, Goal 1: Citizen Involvement requires jurisdictions to develop and include in their comprehensive plans "a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process". The primary purposes of the program are to provide for:

- widespread citizen involvement
- assure effective two-way communication with citizens
- the opportunity for citizens to be involved in all phases of the planning process

#### Tigard Citizen Involvement Program, 1973-1992

Tigard's Goal 1 citizen involvement program has evolved over the years. In 1973, the City formed the Neighborhood Planning Organizations (NPO's). Under this program, the City was divided into seven neighborhood areas. (An eighth area to cover the Metzger area was added later). In 1975, the City Council adopted a resolution formally recognizing the NPO's and the Committee for Citizen Involvement (CCI), made up of representatives from each NPO, as the official citizen involvement structure for the City.

In 1979, the Council revised and updated the definition and goals of the CCI. Under the new structure, the membership of the CCI was comprised of the Chair of each NPO, the Planning Commission Chair, a member of City Council, a member of the Park Board, and staff representatives.

Between May 1974 and February 1979, neighborhood plans were developed and adopted by the City Council for each NPO. After adoption of the neighborhood plans,



interest in the NPO's diminished and a few became inactive. In 1982, the City attempted to re-establish neighborhood interest in those NPO's that had become inactive. Throughout 1982 and 1983, most of the NPO's met at least monthly to provide input on the various elements of the Community Development Code and the Comprehensive Plan. After acknowledgment by the State of the Comprehensive Plan in 1984, the NPO's served as a community body on land use proposals.

#### 1992-2004

In May 1992, City Council set as a priority broadening citizen involvement. The existing Board and Committee structure was reviewed to see if modifications would encourage the involvement of more citizens in a broader range of issues. The Citizen Involvement Team concept (CIT's) was developed as a result of that review. The City was divided into 4 CITs with active representation. At the same time, developers were required to hold neighborhood meetings to afford interested persons an opportunity to review and comment on land use issues prior to formal applications. In addition, the Comprehensive Plan was amended to reflect the Citizen Involvement Team Facilitators as forming the CCI.

*Tigard Comprehensive Plan Policy 2.1.2.c states, The citizen involvement team facilitators shall serve as the committee for citizen involvement and shall be responsible for evaluating the citizen involvement program and for working with the neighborhood planning organizations in recommending changes in the program.*

From 1992 through September 2000, the CIT Facilitators met regularly with the City Council to discuss the CIT program and issues being raised by citizens. In 2002, the monthly CIT meetings were replaced by the monthly, City-produced Focus on Tigard cable program. The CIT Facilitators were retained to be available to serve as facilitators on an as-needed basis, but regular meetings with the Council were discontinued.

#### 2004-Present

In 2004, the City took steps to reactivate the CCI in order to carry out the Tigard Comprehensive Plan Policy 2.1.2.c and to maintain Statewide Goal 1 compliance. The first step involved an effort to contact all the former CCI facilitators. Of the original eleven members, five still resided in the City and wished to serve on a reactivated CCI. That number currently has since to four participants who meet bi-monthly. All meetings are open to the public and staff-assisted in terms of room reservations, meeting packets, and appropriate resource persons.

#### Proposal to Increase CCI Membership

The current CCI members recognize that broad community representation and involvement is highly important. They support an idea to broaden their membership to include representation from the City's active boards and committees (Planning Commission, Tree Board, etc.). In its recent discussions, Council has concurred with that approach. A resolution designed to broaden the CCI's representation in accord with Council direction is included in the Council packet. As also discussed with Council,

Council in the future may wish to further expand the CCI to include representatives of the new neighborhood-level organizations that are in process being considered.

The enlarged CCI will serve two important purposes. It will continue to serve as the City's officially recognized and Goal 1-mandated Committee for Citizen Involvement related to land use planning. As such, the CCI will play an essential role in assisting with the development of the upcoming Comprehensive Plan update and in determining how best to engage the community. The other and much broader focus of the CCI will be to continue promoting and enhancing citizen participation in regard to the wide range of non-land use issues facing the City and on improving the effectiveness of the City's two-way communications with its citizens.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-\_\_\_\_\_

A RESOLUTION EXPANDING THE MEMBERSHIP OF THE COMMITTEE FOR CITIZEN INVOLVEMENT TO INCLUDE REPRESENTATIVES FROM THE CITY'S ACTIVE BOARDS AND COMMITTEES AND FROM FUTURE NEIGHBORHOOD PLANNING ORGANIZATIONS.

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WHEREAS, citizen involvement and two-way communication with its citizens is highly important to the City of Tigard; and

WHEREAS, State law requires the City to maintain a citizen involvement program that insures the opportunity for citizens to be actively involved in the land use process; and

WHEREAS, the Committee for Citizen Involvement (CCI) is the City's primary public involvement body for land use issues; and

WHEREAS, the Committee's purview has been broadened to include both land use and the broad array of non-land use public involvement and communication issues; and

WHEREAS, the Council in 1993 created the Citizen Involvement Teams; and

WHEREAS, the Tigard Comprehensive Plan Policy 2.1.2.c designates the Citizen Involvement Team Facilitators as the City's Committee for Citizen Involvement; and

WHEREAS, the Citizen Involvement Teams are no long active; and

WHEREAS, the Citizen Involvement Team facilitators are designated as the City's CCI; and

WHEREAS, of the original eleven members, the Committee currently includes only active four members; and

WHEREAS, the City desires to broaden the Committee's membership to include individuals broadly representative of the City's geographic areas and diverse interests and perspectives,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard Committee for Citizen Involvement shall be expanded to include one representative of each active board and committee.

SECTION 2: The City of Tigard Committee for Citizen Involvement can be expanded to include representatives of future Neighborhood Organizations officially recognized as such by the City of Tigard.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

\_\_\_\_\_  
City Recorder - City of Tigard

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